

**Calendar No. 421**

110TH CONGRESS  
1ST SESSION

**S. 1200**

**[Report No. 110–197]**

To amend the Indian Health Care Improvement Act to revise and extend that Act.

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IN THE SENATE OF THE UNITED STATES

APRIL 24, 2007

Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. INOUE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, Ms. MURKOWSKI, Mrs. MURRAY, Mr. COCHRAN, Mrs. CLINTON, Mr. BROWN, Mr. STEVENS, Ms. STABENOW, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

OCTOBER 16, 2007

Reported by Mr. DORGAN, without amendment

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**A BILL**

To amend the Indian Health Care Improvement Act to revise and extend that Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Indian Health Care Improvement Act Amendments of  
 4 2007”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.

Sec. 102. Soboba sanitation facilities.

Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED  
 UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all  
 covered services furnished by Indian Health Programs.

Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and im-  
 proved cooperation in the provision of items and services to In-  
 dians under Social Security Act health benefit programs.

Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indi-  
 ans in SCHIP and Medicaid.

Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility de-  
 terminations under Medicaid and SCHIP, and protection of  
 certain Indian property from Medicaid estate recovery.

Sec. 205. Nondiscrimination in qualifications for payment for services under  
 Federal health care programs.

Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs  
 funded under the Social Security Act involving Indian Health  
 Programs and Urban Indian Organizations.

Sec. 207. Exclusion waiver authority for affected Indian Health Programs and  
 safe harbor transactions under the Social Security Act.

Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities  
 with respect to Indian enrollees and Indian health care pro-  
 viders and Indian managed care entities.

Sec. 209. Annual report on Indians served by Social Security Act health benefit  
 programs.

1       **TITLE I—AMENDMENTS TO**  
 2                   **INDIAN LAWS**

3   **SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT**  
 4                   **AMENDED.**

5       (a) IN GENERAL.—The Indian Health Care Improve-  
 6   ment Act (25 U.S.C. 1601 et seq.) is amended to read  
 7   as follows:

8   **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9       “(a) SHORT TITLE.—This Act may be cited as the  
 10   ‘Indian Health Care Improvement Act’.

11       “(b) TABLE OF CONTENTS.—The table of contents  
 12   for this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings.

“Sec. 3. Declaration of national Indian health policy.

“Sec. 4. Definitions.

“TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND  
 DEVELOPMENT

“Sec. 101. Purpose.

“Sec. 102. Health professions recruitment program for Indians.

“Sec. 103. Health professions preparatory scholarship program for Indians.

“Sec. 104. Indian health professions scholarships.

“Sec. 105. American Indians Into Psychology Program.

“Sec. 106. Scholarship programs for Indian Tribes.

“Sec. 107. Indian Health Service extern programs.

“Sec. 108. Continuing education allowances.

“Sec. 109. Community Health Representative Program.

“Sec. 110. Indian Health Service Loan Repayment Program.

“Sec. 111. Scholarship and Loan Repayment Recovery Fund.

“Sec. 112. Recruitment activities.

“Sec. 113. Indian recruitment and retention program.

“Sec. 114. Advanced training and research.

“Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.

“Sec. 116. Tribal cultural orientation.

“Sec. 117. INMED Program.

“Sec. 118. Health training programs of community colleges.

“Sec. 119. Retention bonus.

“Sec. 120. Nursing residency program.

“Sec. 121. Community Health Aide Program.

- “Sec. 122. Tribal Health Program administration.
- “Sec. 123. Health professional chronic shortage demonstration programs.
- “Sec. 124. National Health Service Corps.
- “Sec. 125. Substance abuse counselor educational curricula demonstration programs.
- “Sec. 126. Behavioral health training and community education programs.
- “Sec. 127. Authorization of appropriations.

#### “TITLE II—HEALTH SERVICES

- “Sec. 201. Indian Health Care Improvement Fund.
- “Sec. 202. Catastrophic Health Emergency Fund.
- “Sec. 203. Health promotion and disease prevention services.
- “Sec. 204. Diabetes prevention, treatment, and control.
- “Sec. 205. Shared services for long-term care.
- “Sec. 206. Health services research.
- “Sec. 207. Mammography and other cancer screening.
- “Sec. 208. Patient travel costs.
- “Sec. 209. Epidemiology centers.
- “Sec. 210. Comprehensive school health education programs.
- “Sec. 211. Indian youth program.
- “Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
- “Sec. 213. Other authority for provision of services.
- “Sec. 214. Indian women’s health care.
- “Sec. 215. Environmental and nuclear health hazards.
- “Sec. 216. Arizona as a contract health service delivery area.
- “Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
- “Sec. 217. California contract health services program.
- “Sec. 218. California as a contract health service delivery area.
- “Sec. 219. Contract health services for the Trenton service area.
- “Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
- “Sec. 221. Licensing.
- “Sec. 222. Notification of provision of emergency contract health services.
- “Sec. 223. Prompt action on payment of claims.
- “Sec. 224. Liability for payment.
- “Sec. 225. Office of Indian Men’s Health.
- “Sec. 226. Authorization of appropriations.

#### “TITLE III—FACILITIES

- “Sec. 301. Consultation; construction and renovation of facilities; reports.
- “Sec. 302. Sanitation facilities.
- “Sec. 303. Preference to Indians and Indian firms.
- “Sec. 304. Expenditure of non-Service funds for renovation.
- “Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
- “Sec. 306. Indian health care delivery demonstration projects.
- “Sec. 307. Land transfer.
- “Sec. 308. Leases, contracts, and other agreements.
- “Sec. 309. Study on loans, loan guarantees, and loan repayment.
- “Sec. 310. Tribal leasing.
- “Sec. 311. Indian Health Service/tribal facilities joint venture program.
- “Sec. 312. Location of facilities.
- “Sec. 313. Maintenance and improvement of health care facilities.

- “Sec. 314. Tribal management of Federally-owned quarters.
- “Sec. 315. Applicability of Buy American Act requirement.
- “Sec. 316. Other funding for facilities.
- “Sec. 317. Authorization of appropriations.

#### “TITLE IV—ACCESS TO HEALTH SERVICES

- “Sec. 401. Treatment of payments under Social Security Act health benefits programs.
- “Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
- “Sec. 403. Reimbursement from certain third parties of costs of health services.
- “Sec. 404. Crediting of reimbursements.
- “Sec. 405. Purchasing health care coverage.
- “Sec. 406. Sharing arrangements with Federal agencies.
- “Sec. 407. Payor of last resort.
- “Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
- “Sec. 409. Consultation.
- “Sec. 410. State Children’s Health Insurance Program (SCHIP).
- “Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
- “Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
- “Sec. 413. Treatment under Medicaid and SCHIP managed care.
- “Sec. 414. Navajo Nation Medicaid Agency feasibility study.
- “Sec. 415. General exceptions.
- “Sec. 416. Authorization of appropriations.

#### “TITLE V—HEALTH SERVICES FOR URBAN INDIANS

- “Sec. 501. Purpose.
- “Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
- “Sec. 503. Contracts and grants for the provision of health care and referral services.
- “Sec. 504. Contracts and grants for the determination of unmet health care needs.
- “Sec. 505. Evaluations; renewals.
- “Sec. 506. Other contract and grant requirements.
- “Sec. 507. Reports and records.
- “Sec. 508. Limitation on contract authority.
- “Sec. 509. Facilities.
- “Sec. 510. Division of Urban Indian Health.
- “Sec. 511. Grants for alcohol and substance abuse-related services.
- “Sec. 512. Treatment of certain demonstration projects.
- “Sec. 513. Urban NIAAA transferred programs.
- “Sec. 514. Consultation with Urban Indian Organizations.
- “Sec. 515. Urban youth treatment center demonstration.
- “Sec. 516. Grants for diabetes prevention, treatment, and control.
- “Sec. 517. Community Health Representatives.
- “Sec. 518. Effective date.
- “Sec. 519. Eligibility for services.

“Sec. 520. Authorization of appropriations.

“TITLE VI—ORGANIZATIONAL IMPROVEMENTS

“Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.

“Sec. 602. Automated management information system.

“Sec. 603. Authorization of appropriations.

“TITLE VII—BEHAVIORAL HEALTH PROGRAMS

“Sec. 701. Behavioral health prevention and treatment services.

“Sec. 702. Memoranda of agreement with the Department of the Interior.

“Sec. 703. Comprehensive behavioral health prevention and treatment program.

“Sec. 704. Mental health technician program.

“Sec. 705. Licensing requirement for mental health care workers.

“Sec. 706. Indian women treatment programs.

“Sec. 707. Indian youth program.

“Sec. 708. Indian youth telemental health demonstration project.

“Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.

“Sec. 710. Training and community education.

“Sec. 711. Behavioral health program.

“Sec. 712. Fetal alcohol disorder programs.

“Sec. 713. Child sexual abuse and prevention treatment programs.

“Sec. 714. Behavioral health research.

“Sec. 715. Definitions.

“Sec. 716. Authorization of appropriations.

“TITLE VIII—MISCELLANEOUS

“Sec. 801. Reports.

“Sec. 802. Regulations.

“Sec. 803. Plan of implementation.

“Sec. 804. Availability of funds.

“Sec. 805. Limitation on use of funds appropriated to Indian Health Service.

“Sec. 806. Eligibility of California Indians.

“Sec. 807. Health services for ineligible persons.

“Sec. 808. Reallocation of base resources.

“Sec. 809. Results of demonstration projects.

“Sec. 810. Provision of services in Montana.

“Sec. 811. Moratorium.

“Sec. 812. Tribal employment.

“Sec. 813. Severability provisions.

“Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.

“Sec. 815. Confidentiality of medical quality assurance records; qualified immunity for participants.

“Sec. 816. Appropriations; availability.

“Sec. 817. Authorization of appropriations.

1 **“SEC. 2. FINDINGS.**

2 “Congress makes the following findings:

1           “(1) Federal health services to maintain and  
2           improve the health of the Indians are consonant  
3           with and required by the Federal Government’s his-  
4           torical and unique legal relationship with, and re-  
5           sulting responsibility to, the American Indian people.

6           “(2) A major national goal of the United States  
7           is to provide the quantity and quality of health serv-  
8           ices which will permit the health status of Indians  
9           to be raised to the highest possible level and to en-  
10          courage the maximum participation of Indians in the  
11          planning and management of those services.

12          “(3) Federal health services to Indians have re-  
13          sulted in a reduction in the prevalence and incidence  
14          of preventable illnesses among, and unnecessary and  
15          premature deaths of, Indians.

16          “(4) Despite such services, the unmet health  
17          needs of the American Indian people are severe and  
18          the health status of the Indians is far below that of  
19          the general population of the United States.

20   **“SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POL-**  
21                           **ICY.**

22          “Congress declares that it is the policy of this Nation,  
23   in fulfillment of its special trust responsibilities and legal  
24   obligations to Indians—

1           “(1) to assure the highest possible health status  
2           for Indians and Urban Indians and to provide all re-  
3           sources necessary to effect that policy;

4           “(2) to raise the health status of Indians and  
5           Urban Indians to at least the levels set forth in the  
6           goals contained within the Healthy People 2010 or  
7           successor objectives;

8           “(3) to the greatest extent possible, to allow In-  
9           dians to set their own health care priorities and es-  
10          tablish goals that reflect their unmet needs;

11          “(4) to increase the proportion of all degrees in  
12          the health professions and allied and associated  
13          health professions awarded to Indians so that the  
14          proportion of Indian health professionals in each  
15          Service Area is raised to at least the level of that of  
16          the general population;

17          “(5) to require meaningful consultation with In-  
18          dian Tribes, Tribal Organizations, and Urban Indian  
19          Organizations to implement this Act and the na-  
20          tional policy of Indian self-determination; and

21          “(6) to provide funding for programs and facili-  
22          ties operated by Indian Tribes and Tribal Organiza-  
23          tions in amounts that are not less than the amounts  
24          provided to programs and facilities operated directly  
25          by the Service.



1 **“SEC. 4. DEFINITIONS.**

2 “For purposes of this Act:

3 “(1) The term ‘accredited and accessible’ means  
4 on or near a reservation and accredited by a na-  
5 tional or regional organization with accrediting au-  
6 thority.

7 “(2) The term ‘Area Office’ means an adminis-  
8 trative entity, including a program office, within the  
9 Service through which services and funds are pro-  
10 vided to the Service Units within a defined geo-  
11 graphic area.

12 “(3) The term ‘Assistant Secretary’ means the  
13 Assistant Secretary for Indian Health.

14 “(4)(A) The term ‘behavioral health’ means the  
15 blending of substance (alcohol, drugs, inhalants, and  
16 tobacco) abuse and mental health prevention and  
17 treatment, for the purpose of providing comprehen-  
18 sive services.

19 “(B) The term ‘behavioral health’ includes the  
20 joint development of substance abuse and mental  
21 health treatment planning and coordinated case  
22 management using a multidisciplinary approach.

23 “(5) The term ‘California Indians’ means those  
24 Indians who are eligible for health services of the  
25 Service pursuant to section 806.

26 “(6) The term ‘community college’ means—

1 “(A) a tribal college or university, or

2 “(B) a junior or community college.

3 “(7) The term ‘contract health service’ means  
4 health services provided at the expense of the Serv-  
5 ice or a Tribal Health Program by public or private  
6 medical providers or hospitals, other than the Serv-  
7 ice Unit or the Tribal Health Program at whose ex-  
8 pense the services are provided.

9 “(8) The term ‘Department’ means, unless oth-  
10 erwise designated, the Department of Health and  
11 Human Services.

12 “(9) The term ‘disease prevention’ means the  
13 reduction, limitation, and prevention of disease and  
14 its complications and reduction in the consequences  
15 of disease, including—

16 “(A) controlling—

17 “(i) the development of diabetes;

18 “(ii) high blood pressure;

19 “(iii) infectious agents;

20 “(iv) injuries;

21 “(v) occupational hazards and disabil-  
22 ities;

23 “(vi) sexually transmittable diseases;

24 and

25 “(vii) toxic agents; and

1 “(B) providing—

2 “(i) fluoridation of water; and

3 “(ii) immunizations.

4 “(10) The term ‘health profession’ means  
 5 allopathic medicine, family medicine, internal medi-  
 6 cine, pediatrics, geriatric medicine, obstetrics and  
 7 gynecology, podiatric medicine, nursing, public  
 8 health nursing, dentistry, psychiatry, osteopathy, op-  
 9 tometry, pharmacy, psychology, public health, social  
 10 work, marriage and family therapy, chiropractic  
 11 medicine, environmental health and engineering, al-  
 12 lied health professions, and any other health profes-  
 13 sion.

14 “(11) The term ‘health promotion’ means—

15 “(A) fostering social, economic, environ-  
 16 mental, and personal factors conducive to  
 17 health, including raising public awareness about  
 18 health matters and enabling the people to cope  
 19 with health problems by increasing their knowl-  
 20 edge and providing them with valid information;

21 “(B) encouraging adequate and appro-  
 22 priate diet, exercise, and sleep;

23 “(C) promoting education and work in con-  
 24 formity with physical and mental capacity;

1           “(D) making available safe water and sani-  
2           tary facilities;

3           “(E) improving the physical, economic, cul-  
4           tural, psychological, and social environment;

5           “(F) promoting culturally competent care;  
6           and

7           “(G) providing adequate and appropriate  
8           programs, which may include—

9                   “(i) abuse prevention (mental and  
10                  physical);

11                  “(ii) community health;

12                  “(iii) community safety;

13                  “(iv) consumer health education;

14                  “(v) diet and nutrition;

15                  “(vi) immunization and other preven-  
16                  tion of communicable diseases, including  
17                  HIV/AIDS;

18                  “(vii) environmental health;

19                  “(viii) exercise and physical fitness;

20                  “(ix) avoidance of fetal alcohol dis-  
21                  orders;

22                  “(x) first aid and CPR education;

23                  “(xi) human growth and development;

24                  “(xii) injury prevention and personal  
25                  safety;

1 “(xiii) behavioral health;

2 “(xiv) monitoring of disease indicators  
3 between health care provider visits,  
4 through appropriate means, including  
5 Internet-based health care management  
6 systems;

7 “(xv) personal health and wellness  
8 practices;

9 “(xvi) personal capacity building;

10 “(xvii) prenatal, pregnancy, and in-  
11 fant care;

12 “(xviii) psychological well-being;

13 “(xix) reproductive health and family  
14 planning;

15 “(xx) safe and adequate water;

16 “(xxi) healthy work environments;

17 “(xxii) elimination, reduction, and  
18 prevention of contaminants that create  
19 unhealthy household conditions (including  
20 mold and other allergens);

21 “(xxiii) stress control;

22 “(xxiv) substance abuse;

23 “(xxv) sanitary facilities;

24 “(xxvi) sudden infant death syndrome  
25 prevention;

1 “(xxvii) tobacco use cessation and re-  
2 duction;

3 “(xxviii) violence prevention; and

4 “(xxix) such other activities identified  
5 by the Service, a Tribal Health Program,  
6 or an Urban Indian Organization, to pro-  
7 mote achievement of any of the objectives  
8 described in section 3(2).

9 “(12) The term ‘Indian’, unless otherwise des-  
10 ignated, means any person who is a member of an  
11 Indian Tribe or is eligible for health services under  
12 section 806, except that, for the purpose of sections  
13 102 and 103, the term also means any individual  
14 who—

15 “(A)(i) irrespective of whether the indi-  
16 vidual lives on or near a reservation, is a mem-  
17 ber of a tribe, band, or other organized group  
18 of Indians, including those tribes, bands, or  
19 groups terminated since 1940 and those recog-  
20 nized now or in the future by the State in  
21 which they reside; or

22 “(ii) is a descendant, in the first or second  
23 degree, of any such member;

24 “(B) is an Eskimo or Aleut or other Alas-  
25 ka Native;

1           “(C) is considered by the Secretary of the  
2 Interior to be an Indian for any purpose; or

3           “(D) is determined to be an Indian under  
4 regulations promulgated by the Secretary.

5           “(13) The term ‘Indian Health Program’  
6 means—

7           “(A) any health program administered di-  
8 rectly by the Service;

9           “(B) any Tribal Health Program; or

10           “(C) any Indian Tribe or Tribal Organiza-  
11 tion to which the Secretary provides funding  
12 pursuant to section 23 of the Act of June 25,  
13 1910 (25 U.S.C. 47) (commonly known as the  
14 ‘Buy Indian Act’).

15           “(14) The term ‘Indian Tribe’ has the meaning  
16 given the term in the Indian Self-Determination and  
17 Education Assistance Act (25 U.S.C. 450 et seq.).

18           “(15) The term ‘junior or community college’  
19 has the meaning given the term by section 312(e) of  
20 the Higher Education Act of 1965 (20 U.S.C.  
21 1058(e)).

22           “(16) The term ‘reservation’ means any feder-  
23 ally recognized Indian Tribe’s reservation, Pueblo, or  
24 colony, including former reservations in Oklahoma,  
25 Indian allotments, and Alaska Native Regions estab-

1 lished pursuant to the Alaska Native Claims Settle-  
2 ment Act (43 U.S.C. 1601 et seq.).

3 “(17) The term ‘Secretary’, unless otherwise  
4 designated, means the Secretary of Health and  
5 Human Services.

6 “(18) The term ‘Service’ means the Indian  
7 Health Service.

8 “(19) The term ‘Service Area’ means the geo-  
9 graphical area served by each Area Office.

10 “(20) The term ‘Service Unit’ means an admin-  
11 istrative entity of the Service, or a Tribal Health  
12 Program through which services are provided, di-  
13 rectly or by contract, to eligible Indians within a de-  
14 fined geographic area.

15 “(21) The term ‘telehealth’ has the meaning  
16 given the term in section 330K(a) of the Public  
17 Health Service Act (42 U.S.C. 254c–16(a)).

18 “(22) The term ‘telemedicine’ means a tele-  
19 communications link to an end user through the use  
20 of eligible equipment that electronically links health  
21 professionals or patients and health professionals at  
22 separate sites in order to exchange health care infor-  
23 mation in audio, video, graphic, or other format for  
24 the purpose of providing improved health care serv-  
25 ices.



1           “(23) The term ‘tribal college or university’ has  
2           the meaning given the term in section 316(b)(3) of  
3           the Higher Education Act (20 U.S.C. 1059c(b)(3)).

4           “(24) The term ‘Tribal Health Program’ means  
5           an Indian Tribe or Tribal Organization that oper-  
6           ates any health program, service, function, activity,  
7           or facility funded, in whole or part, by the Service  
8           through, or provided for in, a contract or compact  
9           with the Service under the Indian Self-Determina-  
10          tion and Education Assistance Act (25 U.S.C. 450  
11          et seq.).

12          “(25) The term ‘Tribal Organization’ has the  
13          meaning given the term in the Indian Self-Deter-  
14          mination and Education Assistance Act (25 U.S.C.  
15          450 et seq.).

16          “(26) The term ‘Urban Center’ means any com-  
17          munity which has a sufficient Urban Indian popu-  
18          lation with unmet health needs to warrant assistance  
19          under title V of this Act, as determined by the Sec-  
20          retary.

21          “(27) The term ‘Urban Indian’ means any indi-  
22          vidual who resides in an Urban Center and who  
23          meets 1 or more of the following criteria:

24                 “(A) Irrespective of whether the individual  
25                 lives on or near a reservation, the individual is

1 a member of a tribe, band, or other organized  
2 group of Indians, including those tribes, bands,  
3 or groups terminated since 1940 and those  
4 tribes, bands, or groups that are recognized by  
5 the States in which they reside, or who is a de-  
6 scendant in the first or second degree of any  
7 such member.

8 “(B) The individual is an Eskimo, Aleut,  
9 or other Alaska Native.

10 “(C) The individual is considered by the  
11 Secretary of the Interior to be an Indian for  
12 any purpose.

13 “(D) The individual is determined to be an  
14 Indian under regulations promulgated by the  
15 Secretary.

16 “(28) The term ‘Urban Indian Organization’  
17 means a nonprofit corporate body that (A) is situ-  
18 ated in an Urban Center; (B) is governed by an  
19 Urban Indian-controlled board of directors; (C) pro-  
20 vides for the participation of all interested Indian  
21 groups and individuals; and (D) is capable of legally  
22 cooperating with other public and private entities for  
23 the purpose of performing the activities described in  
24 section 503(a).

1 **“TITLE I—INDIAN HEALTH,**  
 2 **HUMAN RESOURCES, AND DE-**  
 3 **VELOPMENT**

4 **“SEC. 101. PURPOSE.**

5 “The purpose of this title is to increase, to the max-  
 6 imum extent feasible, the number of Indians entering the  
 7 health professions and providing health services, and to  
 8 assure an optimum supply of health professionals to the  
 9 Indian Health Programs and Urban Indian Organizations  
 10 involved in the provision of health services to Indians.

11 **“SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM**  
 12 **FOR INDIANS.**

13 “(a) IN GENERAL.—The Secretary, acting through  
 14 the Service, shall make grants to public or nonprofit pri-  
 15 vate health or educational entities, Tribal Health Pro-  
 16 grams, or Urban Indian Organizations to assist such enti-  
 17 ties in meeting the costs of—

18 “(1) identifying Indians with a potential for  
 19 education or training in the health professions and  
 20 encouraging and assisting them—

21 “(A) to enroll in courses of study in such  
 22 health professions; or

23 “(B) if they are not qualified to enroll in  
 24 any such courses of study, to undertake such

1 postsecondary education or training as may be  
2 required to qualify them for enrollment;

3 “(2) publicizing existing sources of financial aid  
4 available to Indians enrolled in any course of study  
5 referred to in paragraph (1) or who are undertaking  
6 training necessary to qualify them to enroll in any  
7 such course of study; or

8 “(3) establishing other programs which the Sec-  
9 retary determines will enhance and facilitate the en-  
10 rollment of Indians in, and the subsequent pursuit  
11 and completion by them of, courses of study referred  
12 to in paragraph (1).

13 “(b) GRANTS.—

14 “(1) APPLICATION.—The Secretary shall not  
15 make a grant under this section unless an applica-  
16 tion has been submitted to, and approved by, the  
17 Secretary. Such application shall be in such form,  
18 submitted in such manner, and contain such infor-  
19 mation, as the Secretary shall by regulation pre-  
20 scribe pursuant to this Act. The Secretary shall give  
21 a preference to applications submitted by Tribal  
22 Health Programs or Urban Indian Organizations.

23 “(2) AMOUNT OF GRANTS; PAYMENT.—The  
24 amount of a grant under this section shall be deter-  
25 mined by the Secretary. Payments pursuant to this

1 section may be made in advance or by way of reim-  
 2 bursement, and at such intervals and on such condi-  
 3 tions as provided for in regulations issued pursuant  
 4 to this Act. To the extent not otherwise prohibited  
 5 by law, grants shall be for 3 years, as provided in  
 6 regulations issued pursuant to this Act.

7 **“SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOL-**  
 8 **ARSHIP PROGRAM FOR INDIANS.**

9 “(a) SCHOLARSHIPS AUTHORIZED.—The Secretary,  
 10 acting through the Service, shall provide scholarship  
 11 grants to Indians who—

12 “(1) have successfully completed their high  
 13 school education or high school equivalency; and

14 “(2) have demonstrated the potential to suc-  
 15 cessfully complete courses of study in the health pro-  
 16 fessions.

17 “(b) PURPOSES.—Scholarship grants provided pursu-  
 18 ant to this section shall be for the following purposes:

19 “(1) Compensatory preprofessional education of  
 20 any recipient, such scholarship not to exceed 2 years  
 21 on a full-time basis (or the part-time equivalent  
 22 thereof, as determined by the Secretary pursuant to  
 23 regulations issued under this Act).

24 “(2) Pregraduate education of any recipient  
 25 leading to a baccalaureate degree in an approved

1 course of study preparatory to a field of study in a  
 2 health profession, such scholarship not to exceed 4  
 3 years. An extension of up to 2 years (or the part-  
 4 time equivalent thereof, as determined by the Sec-  
 5 retary pursuant to regulations issued pursuant to  
 6 this Act) may be approved.

7 “(c) OTHER CONDITIONS.—Scholarships under this  
 8 section—

9 “(1) may cover costs of tuition, books, trans-  
 10 portation, board, and other necessary related ex-  
 11 penses of a recipient while attending school;

12 “(2) shall not be denied solely on the basis of  
 13 the applicant’s scholastic achievement if such appli-  
 14 cant has been admitted to, or maintained good  
 15 standing at, an accredited institution; and

16 “(3) shall not be denied solely by reason of such  
 17 applicant’s eligibility for assistance or benefits under  
 18 any other Federal program.

19 **“SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.**

20 “(a) IN GENERAL.—

21 “(1) AUTHORITY.—The Secretary, acting  
 22 through the Service, shall make scholarship grants  
 23 to Indians who are enrolled full or part time in ac-  
 24 credited schools pursuing courses of study in the  
 25 health professions. Such scholarships shall be des-

1       ignated Indian Health Scholarships and shall be  
 2       made in accordance with section 338A of the Public  
 3       Health Services Act (42 U.S.C. 254*l*), except as pro-  
 4       vided in subsection (b) of this section.

5           “(2) DETERMINATIONS BY SECRETARY.—The  
 6       Secretary, acting through the Service, shall deter-  
 7       mine—

8           “(A) who shall receive scholarship grants  
 9       under subsection (a); and

10          “(B) the distribution of the scholarships  
 11       among health professions on the basis of the  
 12       relative needs of Indians for additional service  
 13       in the health professions.

14          “(3) CERTAIN DELEGATION NOT ALLOWED.—  
 15       The administration of this section shall be a respon-  
 16       sibility of the Assistant Secretary and shall not be  
 17       delegated in a contract or compact under the Indian  
 18       Self-Determination and Education Assistance Act  
 19       (25 U.S.C. 450 et seq.).

20          “(b) ACTIVE DUTY SERVICE OBLIGATION.—

21          “(1) OBLIGATION MET.—The active duty serv-  
 22       ice obligation under a written contract with the Sec-  
 23       retary under this section that an Indian has entered  
 24       into shall, if that individual is a recipient of an In-  
 25       dian Health Scholarship, be met in full-time practice

1 equal to 1 year for each school year for which the  
2 participant receives a scholarship award under this  
3 part, or 2 years, whichever is greater, by service in  
4 1 or more of the following:

5 “(A) In an Indian Health Program.

6 “(B) In a program assisted under title V  
7 of this Act.

8 “(C) In the private practice of the applica-  
9 ble profession if, as determined by the Sec-  
10 retary, in accordance with guidelines promul-  
11 gated by the Secretary, such practice is situated  
12 in a physician or other health professional  
13 shortage area and addresses the health care  
14 needs of a substantial number of Indians.

15 “(D) In a teaching capacity in a tribal col-  
16 lege or university nursing program (or a related  
17 health profession program) if, as determined by  
18 the Secretary, the health service provided to In-  
19 dians would not decrease.

20 “(2) OBLIGATION DEFERRED.—At the request  
21 of any individual who has entered into a contract re-  
22 ferred to in paragraph (1) and who receives a degree  
23 in medicine (including osteopathic or allopathic med-  
24 icine), dentistry, optometry, podiatry, or pharmacy,  
25 the Secretary shall defer the active duty service obli-



1       gation of that individual under that contract, in  
2       order that such individual may complete any intern-  
3       ship, residency, or other advanced clinical training  
4       that is required for the practice of that health pro-  
5       fession, for an appropriate period (in years, as deter-  
6       mined by the Secretary), subject to the following  
7       conditions:

8               “(A) No period of internship, residency, or  
9       other advanced clinical training shall be counted  
10      as satisfying any period of obligated service  
11      under this subsection.

12              “(B) The active duty service obligation of  
13      that individual shall commence not later than  
14      90 days after the completion of that advanced  
15      clinical training (or by a date specified by the  
16      Secretary).

17              “(C) The active duty service obligation will  
18      be served in the health profession of that indi-  
19      vidual in a manner consistent with paragraph  
20      (1).

21              “(D) A recipient of a scholarship under  
22      this section may, at the election of the recipient,  
23      meet the active duty service obligation described  
24      in paragraph (1) by service in a program speci-  
25      fied under that paragraph that—

1                   “(i) is located on the reservation of  
 2                   the Indian Tribe in which the recipient is  
 3                   enrolled; or

4                   “(ii) serves the Indian Tribe in which  
 5                   the recipient is enrolled.

6                   “(3) PRIORITY WHEN MAKING ASSIGNMENTS.—

7                   Subject to paragraph (2), the Secretary, in making  
 8                   assignments of Indian Health Scholarship recipients  
 9                   required to meet the active duty service obligation  
 10                  described in paragraph (1), shall give priority to as-  
 11                  signing individuals to service in those programs  
 12                  specified in paragraph (1) that have a need for  
 13                  health professionals to provide health care services  
 14                  as a result of individuals having breached contracts  
 15                  entered into under this section.

16                  “(c) PART-TIME STUDENTS.—In the case of an indi-  
 17                  vidual receiving a scholarship under this section who is  
 18                  enrolled part time in an approved course of study—

19                         “(1) such scholarship shall be for a period of  
 20                         years not to exceed the part-time equivalent of 4  
 21                         years, as determined by the Secretary;

22                         “(2) the period of obligated service described in  
 23                         subsection (b)(1) shall be equal to the greater of—

24                                 “(A) the part-time equivalent of 1 year for  
 25                                 each year for which the individual was provided

1 a scholarship (as determined by the Secretary);

2 or

3 “(B) 2 years; and

4 “(3) the amount of the monthly stipend speci-  
5 fied in section 338A(g)(1)(B) of the Public Health  
6 Service Act (42 U.S.C. 254l(g)(1)(B)) shall be re-  
7 duced pro rata (as determined by the Secretary)  
8 based on the number of hours such student is en-  
9 rolled.

10 “(d) BREACH OF CONTRACT.—

11 “(1) SPECIFIED BREACHES.—An individual  
12 shall be liable to the United States for the amount  
13 which has been paid to the individual, or on behalf  
14 of the individual, under a contract entered into with  
15 the Secretary under this section on or after the date  
16 of enactment of the Indian Health Care Improve-  
17 ment Act Amendments of 2007 if that individual—

18 “(A) fails to maintain an acceptable level  
19 of academic standing in the educational institu-  
20 tion in which he or she is enrolled (such level  
21 determined by the educational institution under  
22 regulations of the Secretary);

23 “(B) is dismissed from such educational  
24 institution for disciplinary reasons;

1           “(C) voluntarily terminates the training in  
2           such an educational institution for which he or  
3           she is provided a scholarship under such con-  
4           tract before the completion of such training; or

5           “(D) fails to accept payment, or instructs  
6           the educational institution in which he or she is  
7           enrolled not to accept payment, in whole or in  
8           part, of a scholarship under such contract, in  
9           lieu of any service obligation arising under such  
10          contract.

11          “(2) OTHER BREACHES.—If for any reason not  
12          specified in paragraph (1) an individual breaches a  
13          written contract by failing either to begin such indi-  
14          vidual’s service obligation required under such con-  
15          tract or to complete such service obligation, the  
16          United States shall be entitled to recover from the  
17          individual an amount determined in accordance with  
18          the formula specified in subsection (l) of section 110  
19          in the manner provided for in such subsection.

20          “(3) CANCELLATION UPON DEATH OF RECIPI-  
21          ENT.—Upon the death of an individual who receives  
22          an Indian Health Scholarship, any outstanding obli-  
23          gation of that individual for service or payment that  
24          relates to that scholarship shall be canceled.

25          “(4) WAIVERS AND SUSPENSIONS.—

1           “(A) IN GENERAL.—The Secretary shall  
2           provide for the partial or total waiver or sus-  
3           pension of any obligation of service or payment  
4           of a recipient of an Indian Health Scholarship  
5           if the Secretary determines that—

6                   “(i) it is not possible for the recipient  
7                   to meet that obligation or make that pay-  
8                   ment;

9                   “(ii) requiring that recipient to meet  
10                  that obligation or make that payment  
11                  would result in extreme hardship to the re-  
12                  cipient; or

13                  “(iii) the enforcement of the require-  
14                  ment to meet the obligation or make the  
15                  payment would be unconscionable.

16           “(B) FACTORS FOR CONSIDERATION.—Be-  
17           fore waiving or suspending an obligation of  
18           service or payment under subparagraph (A), the  
19           Secretary shall consult with the affected Area  
20           Office, Indian Tribes, Tribal Organizations, or  
21           Urban Indian Organizations, and may take into  
22           consideration whether the obligation may be  
23           satisfied in a teaching capacity at a tribal col-  
24           lege or university nursing program under sub-  
25           section (b)(1)(D).

1           “(5) EXTREME HARDSHIP.—Notwithstanding  
 2           any other provision of law, in any case of extreme  
 3           hardship or for other good cause shown, the Sec-  
 4           retary may waive, in whole or in part, the right of  
 5           the United States to recover funds made available  
 6           under this section.

7           “(6) BANKRUPTCY.—Notwithstanding any  
 8           other provision of law, with respect to a recipient of  
 9           an Indian Health Scholarship, no obligation for pay-  
 10          ment may be released by a discharge in bankruptcy  
 11          under title 11, United States Code, unless that dis-  
 12          charge is granted after the expiration of the 5-year  
 13          period beginning on the initial date on which that  
 14          payment is due, and only if the bankruptcy court  
 15          finds that the nondischarge of the obligation would  
 16          be unconscionable.

17 **“SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PRO-**  
 18 **GRAM.**

19          “(a) GRANTS AUTHORIZED.—The Secretary, acting  
 20          through the Service, shall make grants of not more than  
 21          \$300,000 to each of 9 colleges and universities for the pur-  
 22          pose of developing and maintaining Indian psychology ca-  
 23          reer recruitment programs as a means of encouraging In-  
 24          dians to enter the behavioral health field. These programs  
 25          shall be located at various locations throughout the coun-

1 try to maximize their availability to Indian students and  
2 new programs shall be established in different locations  
3 from time to time.

4 “(b) QUENTIN N. BURDICK PROGRAM GRANT.—The  
5 Secretary shall provide a grant authorized under sub-  
6 section (a) to develop and maintain a program at the Uni-  
7 versity of North Dakota to be known as the ‘Quentin N.  
8 Burdick American Indians Into Psychology Program’.  
9 Such program shall, to the maximum extent feasible, co-  
10 ordinate with the Quentin N. Burdick Indian Health Pro-  
11 grams authorized under section 117(b), the Quentin N.  
12 Burdick American Indians Into Nursing Program author-  
13 ized under section 115(e), and existing university research  
14 and communications networks.

15 “(c) REGULATIONS.—The Secretary shall issue regu-  
16 lations pursuant to this Act for the competitive awarding  
17 of grants provided under this section.

18 “(d) CONDITIONS OF GRANT.—Applicants under this  
19 section shall agree to provide a program which, at a min-  
20 imum—

21 “(1) provides outreach and recruitment for  
22 health professions to Indian communities including  
23 elementary, secondary, and accredited and accessible  
24 community colleges that will be served by the pro-  
25 gram;

1           “(2) incorporates a program advisory board  
2       comprised of representatives from the tribes and  
3       communities that will be served by the program;

4           “(3) provides summer enrichment programs to  
5       expose Indian students to the various fields of psy-  
6       chology through research, clinical, and experimental  
7       activities;

8           “(4) provides stipends to undergraduate and  
9       graduate students to pursue a career in psychology;

10          “(5) develops affiliation agreements with tribal  
11       colleges and universities, the Service, university af-  
12       filiated programs, and other appropriate accredited  
13       and accessible entities to enhance the education of  
14       Indian students;

15          “(6) to the maximum extent feasible, uses exist-  
16       ing university tutoring, counseling, and student sup-  
17       port services; and

18          “(7) to the maximum extent feasible, employs  
19       qualified Indians in the program.

20       “(e) ACTIVE DUTY SERVICE REQUIREMENT.—The  
21       active duty service obligation prescribed under section  
22       338C of the Public Health Service Act (42 U.S.C. 254m)  
23       shall be met by each graduate who receives a stipend de-  
24       scribed in subsection (d)(4) that is funded under this sec-  
25       tion. Such obligation shall be met by service—



1 “(1) in an Indian Health Program;

2 “(2) in a program assisted under title V of this  
3 Act; or

4 “(3) in the private practice of psychology if, as  
5 determined by the Secretary, in accordance with  
6 guidelines promulgated by the Secretary, such prac-  
7 tice is situated in a physician or other health profes-  
8 sional shortage area and addresses the health care  
9 needs of a substantial number of Indians.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$2,700,000 for each of fiscal years 2008 through 2017.

13 **“SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.**

14 “(a) IN GENERAL.—

15 “(1) GRANTS AUTHORIZED.—The Secretary,  
16 acting through the Service, shall make grants to  
17 Tribal Health Programs for the purpose of providing  
18 scholarships for Indians to serve as health profes-  
19 sionals in Indian communities.

20 “(2) AMOUNT.—Amounts available under para-  
21 graph (1) for any fiscal year shall not exceed 5 per-  
22 cent of the amounts available for each fiscal year for  
23 Indian Health Scholarships under section 104.

24 “(3) APPLICATION.—An application for a grant  
25 under paragraph (1) shall be in such form and con-

1       tain such agreements, assurances, and information  
2       as consistent with this section.

3       “(b) REQUIREMENTS.—

4               “(1) IN GENERAL.—A Tribal Health Program  
5       receiving a grant under subsection (a) shall provide  
6       scholarships to Indians in accordance with the re-  
7       quirements of this section.

8               “(2) COSTS.—With respect to costs of providing  
9       any scholarship pursuant to subsection (a)—

10               “(A) 80 percent of the costs of the scholar-  
11       ship shall be paid from the funds made avail-  
12       able pursuant to subsection (a)(1) provided to  
13       the Tribal Health Program; and

14               “(B) 20 percent of such costs may be paid  
15       from any other source of funds.

16       “(c) COURSE OF STUDY.—A Tribal Health Program  
17       shall provide scholarships under this section only to Indi-  
18       ans enrolled or accepted for enrollment in a course of  
19       study (approved by the Secretary) in 1 of the health pro-  
20       fessions contemplated by this Act.

21       “(d) CONTRACT.—

22               “(1) IN GENERAL.—In providing scholarships  
23       under subsection (b), the Secretary and the Tribal  
24       Health Program shall enter into a written contract  
25       with each recipient of such scholarship.

1 “(2) REQUIREMENTS.—Such contract shall—

2 “(A) obligate such recipient to provide  
3 service in an Indian Health Program or Urban  
4 Indian Organization, in the same Service Area  
5 where the Tribal Health Program providing the  
6 scholarship is located, for—

7 “(i) a number of years for which the  
8 scholarship is provided (or the part-time  
9 equivalent thereof, as determined by the  
10 Secretary), or for a period of 2 years,  
11 whichever period is greater; or

12 “(ii) such greater period of time as  
13 the recipient and the Tribal Health Pro-  
14 gram may agree;

15 “(B) provide that the amount of the schol-  
16 arship—

17 “(i) may only be expended for—

18 “(I) tuition expenses, other rea-  
19 sonable educational expenses, and rea-  
20 sonable living expenses incurred in at-  
21 tendance at the educational institu-  
22 tion; and

23 “(II) payment to the recipient of  
24 a monthly stipend of not more than  
25 the amount authorized by section

1                   338(g)(1)(B) of the Public Health  
2                   Service Act (42 U.S.C.  
3                   254m(g)(1)(B)), with such amount to  
4                   be reduced pro rata (as determined by  
5                   the Secretary) based on the number of  
6                   hours such student is enrolled, and  
7                   not to exceed, for any year of attend-  
8                   ance for which the scholarship is pro-  
9                   vided, the total amount required for  
10                  the year for the purposes authorized  
11                  in this clause; and

12               “(ii) may not exceed, for any year of  
13               attendance for which the scholarship is  
14               provided, the total amount required for the  
15               year for the purposes authorized in clause  
16               (i);

17               “(C) require the recipient of such scholar-  
18               ship to maintain an acceptable level of academic  
19               standing as determined by the educational insti-  
20               tution in accordance with regulations issued  
21               pursuant to this Act; and

22               “(D) require the recipient of such scholar-  
23               ship to meet the educational and licensure re-  
24               quirements appropriate to each health profes-  
25               sion.

1           “(3) SERVICE IN OTHER SERVICE AREAS.—The  
2           contract may allow the recipient to serve in another  
3           Service Area, provided the Tribal Health Program  
4           and Secretary approve and services are not dimin-  
5           ished to Indians in the Service Area where the Trib-  
6           al Health Program providing the scholarship is lo-  
7           cated.

8           “(e) BREACH OF CONTRACT.—

9           “(1) SPECIFIC BREACHES.—An individual who  
10          has entered into a written contract with the Sec-  
11          retary and a Tribal Health Program under sub-  
12          section (d) shall be liable to the United States for  
13          the Federal share of the amount which has been  
14          paid to him or her, or on his or her behalf, under  
15          the contract if that individual—

16               “(A) fails to maintain an acceptable level  
17               of academic standing in the educational institu-  
18               tion in which he or she is enrolled (such level  
19               as determined by the educational institution  
20               under regulations of the Secretary);

21               “(B) is dismissed from such educational  
22               institution for disciplinary reasons;

23               “(C) voluntarily terminates the training in  
24               such an educational institution for which he or

1 she is provided a scholarship under such con-  
2 tract before the completion of such training; or

3 “(D) fails to accept payment, or instructs  
4 the educational institution in which he or she is  
5 enrolled not to accept payment, in whole or in  
6 part, of a scholarship under such contract, in  
7 lieu of any service obligation arising under such  
8 contract.

9 “(2) OTHER BREACHES.—If for any reason not  
10 specified in paragraph (1), an individual breaches a  
11 written contract by failing to either begin such indi-  
12 vidual’s service obligation required under such con-  
13 tract or to complete such service obligation, the  
14 United States shall be entitled to recover from the  
15 individual an amount determined in accordance with  
16 the formula specified in subsection (l) of section 110  
17 in the manner provided for in such subsection.

18 “(3) CANCELLATION UPON DEATH OF RECIPI-  
19 ENT.—Upon the death of an individual who receives  
20 an Indian Health Scholarship, any outstanding obli-  
21 gation of that individual for service or payment that  
22 relates to that scholarship shall be canceled.

23 “(4) INFORMATION.—The Secretary may carry  
24 out this subsection on the basis of information re-  
25 ceived from Tribal Health Programs involved or on

1 the basis of information collected through such other  
 2 means as the Secretary deems appropriate.

3 “(f) RELATION TO SOCIAL SECURITY ACT.—The re-  
 4 cipient of a scholarship under this section shall agree, in  
 5 providing health care pursuant to the requirements here-  
 6 in—

7 “(1) not to discriminate against an individual  
 8 seeking care on the basis of the ability of the indi-  
 9 vidual to pay for such care or on the basis that pay-  
 10 ment for such care will be made pursuant to a pro-  
 11 gram established in title XVIII of the Social Secu-  
 12 rity Act or pursuant to the programs established in  
 13 title XIX or title XXI of such Act; and

14 “(2) to accept assignment under section  
 15 1842(b)(3)(B)(ii) of the Social Security Act for all  
 16 services for which payment may be made under part  
 17 B of title XVIII of such Act, and to enter into an  
 18 appropriate agreement with the State agency that  
 19 administers the State plan for medical assistance  
 20 under title XIX, or the State child health plan under  
 21 title XXI, of such Act to provide service to individ-  
 22 uals entitled to medical assistance or child health as-  
 23 sistance, respectively, under the plan.

24 “(g) CONTINUANCE OF FUNDING.—The Secretary  
 25 shall make payments under this section to a Tribal Health

1 Program for any fiscal year subsequent to the first fiscal  
2 year of such payments unless the Secretary determines  
3 that, for the immediately preceding fiscal year, the Tribal  
4 Health Program has not complied with the requirements  
5 of this section.

6 **“SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.**

7       “(a) EMPLOYMENT PREFERENCE.—Any individual  
8 who receives a scholarship pursuant to section 104 or 106  
9 shall be given preference for employment in the Service,  
10 or may be employed by a Tribal Health Program or an  
11 Urban Indian Organization, or other agencies of the De-  
12 partment as available, during any nonacademic period of  
13 the year.

14       “(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE  
15 OBLIGATION.—Periods of employment pursuant to this  
16 subsection shall not be counted in determining fulfillment  
17 of the service obligation incurred as a condition of the  
18 scholarship.

19       “(c) TIMING; LENGTH OF EMPLOYMENT.—Any indi-  
20 vidual enrolled in a program, including a high school pro-  
21 gram, authorized under section 102(a) may be employed  
22 by the Service or by a Tribal Health Program or an Urban  
23 Indian Organization during any nonacademic period of the  
24 year. Any such employment shall not exceed 120 days dur-  
25 ing any calendar year.



1       “(d) NONAPPLICABILITY OF COMPETITIVE PER-  
 2       SONNEL SYSTEM.—Any employment pursuant to this sec-  
 3       tion shall be made without regard to any competitive per-  
 4       sonnel system or agency personnel limitation and to a po-  
 5       sition which will enable the individual so employed to re-  
 6       ceive practical experience in the health profession in which  
 7       he or she is engaged in study. Any individual so employed  
 8       shall receive payment for his or her services comparable  
 9       to the salary he or she would receive if he or she were  
 10      employed in the competitive system. Any individual so em-  
 11      ployed shall not be counted against any employment ceil-  
 12      ing affecting the Service or the Department.

13   **“SEC. 108. CONTINUING EDUCATION ALLOWANCES.**

14       “In order to encourage scholarship and stipend re-  
 15      cipients under sections 104, 105, 106, and 115 and health  
 16      professionals, including community health representatives  
 17      and emergency medical technicians, to join or continue in  
 18      an Indian Health Program and to provide their services  
 19      in the rural and remote areas where a significant portion  
 20      of Indians reside, the Secretary, acting through the Serv-  
 21      ice, may—

22           “(1) provide programs or allowances to transi-  
 23      tion into an Indian Health Program, including li-  
 24      censing, board or certification examination assist-

1       ance, and technical assistance in fulfilling service ob-  
 2       ligations under sections 104, 105, 106, and 115; and

3           “(2) provide programs or allowances to health  
 4       professionals employed in an Indian Health Program  
 5       to enable them for a period of time each year pre-  
 6       scribed by regulation of the Secretary to take leave  
 7       of their duty stations for professional consultation,  
 8       management, leadership, and refresher training  
 9       courses.

10   **“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PRO-**  
 11       **GRAM.**

12       “(a) IN GENERAL.—Under the authority of the Act  
 13       of November 2, 1921 (25 U.S.C. 13) (commonly known  
 14       as the ‘Snyder Act’), the Secretary, acting through the  
 15       Service, shall maintain a Community Health Representa-  
 16       tive Program under which Indian Health Programs—

17           “(1) provide for the training of Indians as com-  
 18       munity health representatives; and

19           “(2) use such community health representatives  
 20       in the provision of health care, health promotion,  
 21       and disease prevention services to Indian commu-  
 22       nities.

23       “(b) DUTIES.—The Community Health Representa-  
 24       tive Program of the Service, shall—

1           “(1) provide a high standard of training for  
2       community health representatives to ensure that the  
3       community health representatives provide quality  
4       health care, health promotion, and disease preven-  
5       tion services to the Indian communities served by  
6       the Program;

7           “(2) in order to provide such training, develop  
8       and maintain a curriculum that—

9               “(A) combines education in the theory of  
10       health care with supervised practical experience  
11       in the provision of health care; and

12               “(B) provides instruction and practical ex-  
13       perience in health promotion and disease pre-  
14       vention activities, with appropriate consider-  
15       ation given to lifestyle factors that have an im-  
16       pact on Indian health status, such as alco-  
17       holism, family dysfunction, and poverty;

18           “(3) maintain a system which identifies the  
19       needs of community health representatives for con-  
20       tinuing education in health care, health promotion,  
21       and disease prevention and develop programs that  
22       meet the needs for continuing education;

23           “(4) maintain a system that provides close su-  
24       pervision of Community Health Representatives;

1           “(5) maintain a system under which the work  
2           of Community Health Representatives is reviewed  
3           and evaluated; and

4           “(6) promote traditional health care practices  
5           of the Indian Tribes served consistent with the Service  
6           standards for the provision of health care, health  
7           promotion, and disease prevention.

8   **“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT**  
9                           **PROGRAM.**

10          “(a) ESTABLISHMENT.—The Secretary, acting  
11 through the Service, shall establish and administer a pro-  
12 gram to be known as the Service Loan Repayment Pro-  
13 gram (hereinafter referred to as the ‘Loan Repayment  
14 Program’) in order to ensure an adequate supply of  
15 trained health professionals necessary to maintain accredi-  
16 tation of, and provide health care services to Indians  
17 through, Indian Health Programs and Urban Indian Or-  
18 ganizations.

19          “(b) ELIGIBLE INDIVIDUALS.—To be eligible to par-  
20 ticipate in the Loan Repayment Program, an individual  
21 must—

22               “(1)(A) be enrolled—

23                       “(i) in a course of study or program in an  
24                       accredited educational institution (as deter-  
25                       mined by the Secretary under section

1           338B(b)(1)(c)(i) of the Public Health Service  
 2           Act (42 U.S.C. 254l-1(b)(1)(c)(i))) and be  
 3           scheduled to complete such course of study in  
 4           the same year such individual applies to partici-  
 5           pate in such program; or

6           “(ii) in an approved graduate training pro-  
 7           gram in a health profession; or

8           “(B) have—

9           “(i) a degree in a health profession; and

10           “(ii) a license to practice a health profes-  
 11           sion;

12           “(2)(A) be eligible for, or hold, an appointment  
 13           as a commissioned officer in the Regular or Reserve  
 14           Corps of the Public Health Service;

15           “(B) be eligible for selection for civilian service  
 16           in the Regular or Reserve Corps of the Public  
 17           Health Service;

18           “(C) meet the professional standards for civil  
 19           service employment in the Service; or

20           “(D) be employed in an Indian Health Program  
 21           or Urban Indian Organization without a service obli-  
 22           gation; and

23           “(3) submit to the Secretary an application for  
 24           a contract described in subsection (e).

25           “(c) APPLICATION.—

1           “(1) INFORMATION TO BE INCLUDED WITH  
2       FORMS.—In disseminating application forms and  
3       contract forms to individuals desiring to participate  
4       in the Loan Repayment Program, the Secretary  
5       shall include with such forms a fair summary of the  
6       rights and liabilities of an individual whose applica-  
7       tion is approved (and whose contract is accepted) by  
8       the Secretary, including in the summary a clear ex-  
9       planation of the damages to which the United States  
10      is entitled under subsection (l) in the case of the in-  
11      dividual’s breach of contract. The Secretary shall  
12      provide such individuals with sufficient information  
13      regarding the advantages and disadvantages of serv-  
14      ice as a commissioned officer in the Regular or Re-  
15      serve Corps of the Public Health Service or a civil-  
16      ian employee of the Service to enable the individual  
17      to make a decision on an informed basis.

18           “(2) CLEAR LANGUAGE.—The application form,  
19      contract form, and all other information furnished  
20      by the Secretary under this section shall be written  
21      in a manner calculated to be understood by the aver-  
22      age individual applying to participate in the Loan  
23      Repayment Program.

24           “(3) TIMELY AVAILABILITY OF FORMS.—The  
25      Secretary shall make such application forms, con-

1       tract forms, and other information available to indi-  
2       viduals desiring to participate in the Loan Repay-  
3       ment Program on a date sufficiently early to ensure  
4       that such individuals have adequate time to carefully  
5       review and evaluate such forms and information.

6       “(d) PRIORITIES.—

7               “(1) LIST.—Consistent with subsection (k), the  
8       Secretary shall annually—

9               “(A) identify the positions in each Indian  
10       Health Program or Urban Indian Organization  
11       for which there is a need or a vacancy; and

12              “(B) rank those positions in order of pri-  
13       ority.

14       “(2) APPROVALS.—Notwithstanding the pri-  
15       ority determined under paragraph (1), the Secretary,  
16       in determining which applications under the Loan  
17       Repayment Program to approve (and which con-  
18       tracts to accept), shall—

19              “(A) give first priority to applications  
20       made by individual Indians; and

21              “(B) after making determinations on all  
22       applications submitted by individual Indians as  
23       required under subparagraph (A), give priority  
24       to—

1 “(i) individuals recruited through the  
 2 efforts of an Indian Health Program or  
 3 Urban Indian Organization; and

4 “(ii) other individuals based on the  
 5 priority rankings under paragraph (1).

6 “(e) RECIPIENT CONTRACTS.—

7 “(1) CONTRACT REQUIRED.—An individual be-  
 8 comes a participant in the Loan Repayment Pro-  
 9 gram only upon the Secretary and the individual en-  
 10 tering into a written contract described in paragraph  
 11 (2).

12 “(2) CONTENTS OF CONTRACT.—The written  
 13 contract referred to in this section between the Sec-  
 14 retary and an individual shall contain—

15 “(A) an agreement under which—

16 “(i) subject to subparagraph (C), the  
 17 Secretary agrees—

18 “(I) to pay loans on behalf of the  
 19 individual in accordance with the pro-  
 20 visions of this section; and

21 “(II) to accept (subject to the  
 22 availability of appropriated funds for  
 23 carrying out this section) the indi-  
 24 vidual into the Service or place the in-  
 25 dividual with a Tribal Health Pro-



1                   gram or Urban Indian Organization  
2                   as provided in clause (ii)(III); and

3                   “(ii) subject to subparagraph (C), the  
4                   individual agrees—

5                   “(I) to accept loan payments on  
6                   behalf of the individual;

7                   “(II) in the case of an individual  
8                   described in subsection (b)(1)—

9                   “(aa) to maintain enrollment  
10                  in a course of study or training  
11                  described in subsection (b)(1)(A)  
12                  until the individual completes the  
13                  course of study or training; and

14                  “(bb) while enrolled in such  
15                  course of study or training, to  
16                  maintain an acceptable level of  
17                  academic standing (as deter-  
18                  mined under regulations of the  
19                  Secretary by the educational in-  
20                  stitution offering such course of  
21                  study or training); and

22                  “(III) to serve for a time period  
23                  (hereinafter in this section referred to  
24                  as the ‘period of obligated service’)  
25                  equal to 2 years or such longer period

1 as the individual may agree to serve  
2 in the full-time clinical practice of  
3 such individual's profession in an In-  
4 dian Health Program or Urban In-  
5 dian Organization to which the indi-  
6 vidual may be assigned by the Sec-  
7 retary;

8 “(B) a provision permitting the Secretary  
9 to extend for such longer additional periods, as  
10 the individual may agree to, the period of obli-  
11 gated service agreed to by the individual under  
12 subparagraph (A)(ii)(III);

13 “(C) a provision that any financial obliga-  
14 tion of the United States arising out of a con-  
15 tract entered into under this section and any  
16 obligation of the individual which is conditioned  
17 thereon is contingent upon funds being appro-  
18 priated for loan repayments under this section;

19 “(D) a statement of the damages to which  
20 the United States is entitled under subsection  
21 (l) for the individual's breach of the contract;  
22 and

23 “(E) such other statements of the rights  
24 and liabilities of the Secretary and of the indi-  
25 vidual, not inconsistent with this section.

1       “(f) DEADLINE FOR DECISION ON APPLICATION.—

2       The Secretary shall provide written notice to an individual

3       within 21 days on—

4               “(1) the Secretary’s approving, under sub-

5       section (e)(1), of the individual’s participation in the

6       Loan Repayment Program, including extensions re-

7       sulting in an aggregate period of obligated service in

8       excess of 4 years; or

9               “(2) the Secretary’s disapproving an individ-

10      ual’s participation in such Program.

11      “(g) PAYMENTS.—

12              “(1) IN GENERAL.—A loan repayment provided

13      for an individual under a written contract under the

14      Loan Repayment Program shall consist of payment,

15      in accordance with paragraph (2), on behalf of the

16      individual of the principal, interest, and related ex-

17      penses on government and commercial loans received

18      by the individual regarding the undergraduate or

19      graduate education of the individual (or both), which

20      loans were made for—

21              “(A) tuition expenses;

22              “(B) all other reasonable educational ex-

23              penses, including fees, books, and laboratory ex-

24              penses, incurred by the individual; and

1           “(C) reasonable living expenses as deter-  
2           mined by the Secretary.

3           “(2) AMOUNT.—For each year of obligated  
4           service that an individual contracts to serve under  
5           subsection (e), the Secretary may pay up to \$35,000  
6           or an amount equal to the amount specified in sec-  
7           tion 338B(g)(2)(A) of the Public Health Service  
8           Act, whichever is more, on behalf of the individual  
9           for loans described in paragraph (1). In making a  
10          determination of the amount to pay for a year of  
11          such service by an individual, the Secretary shall  
12          consider the extent to which each such determina-  
13          tion—

14               “(A) affects the ability of the Secretary to  
15               maximize the number of contracts that can be  
16               provided under the Loan Repayment Program  
17               from the amounts appropriated for such con-  
18               tracts;

19               “(B) provides an incentive to serve in In-  
20               dian Health Programs and Urban Indian Orga-  
21               nizations with the greatest shortages of health  
22               professionals; and

23               “(C) provides an incentive with respect to  
24               the health professional involved remaining in an  
25               Indian Health Program or Urban Indian Orga-

1           nization with such a health professional short-  
2           age, and continuing to provide primary health  
3           services, after the completion of the period of  
4           obligated service under the Loan Repayment  
5           Program.

6           “(3) TIMING.—Any arrangement made by the  
7           Secretary for the making of loan repayments in ac-  
8           cordance with this subsection shall provide that any  
9           repayments for a year of obligated service shall be  
10          made no later than the end of the fiscal year in  
11          which the individual completes such year of service.

12          “(4) REIMBURSEMENTS FOR TAX LIABILITY.—  
13          For the purpose of providing reimbursements for tax  
14          liability resulting from a payment under paragraph  
15          (2) on behalf of an individual, the Secretary—

16               “(A) in addition to such payments, may  
17               make payments to the individual in an amount  
18               equal to not less than 20 percent and not more  
19               than 39 percent of the total amount of loan re-  
20               payments made for the taxable year involved;  
21               and

22               “(B) may make such additional payments  
23               as the Secretary determines to be appropriate  
24               with respect to such purpose.

1           “(5) PAYMENT SCHEDULE.—The Secretary  
2           may enter into an agreement with the holder of any  
3           loan for which payments are made under the Loan  
4           Repayment Program to establish a schedule for the  
5           making of such payments.

6           “(h) EMPLOYMENT CEILING.—Notwithstanding any  
7           other provision of law, individuals who have entered into  
8           written contracts with the Secretary under this section  
9           shall not be counted against any employment ceiling af-  
10          fecting the Department while those individuals are under-  
11          going academic training.

12          “(i) RECRUITMENT.—The Secretary shall conduct re-  
13          cruiting programs for the Loan Repayment Program and  
14          other manpower programs of the Service at educational  
15          institutions training health professionals or specialists  
16          identified in subsection (a).

17          “(j) APPLICABILITY OF LAW.—Section 214 of the  
18          Public Health Service Act (42 U.S.C. 215) shall not apply  
19          to individuals during their period of obligated service  
20          under the Loan Repayment Program.

21          “(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary,  
22          in assigning individuals to serve in Indian Health Pro-  
23          grams or Urban Indian Organizations pursuant to con-  
24          tracts entered into under this section, shall—

1           “(1) ensure that the staffing needs of Tribal  
 2           Health Programs and Urban Indian Organizations  
 3           receive consideration on an equal basis with pro-  
 4           grams that are administered directly by the Service;  
 5           and

6           “(2) give priority to assigning individuals to In-  
 7           dian Health Programs and Urban Indian Organiza-  
 8           tions that have a need for health professionals to  
 9           provide health care services as a result of individuals  
 10          having breached contracts entered into under this  
 11          section.

12          “(l) BREACH OF CONTRACT.—

13               “(1) SPECIFIC BREACHES.—An individual who  
 14               has entered into a written contract with the Sec-  
 15               retary under this section and has not received a  
 16               waiver under subsection (m) shall be liable, in lieu  
 17               of any service obligation arising under such contract,  
 18               to the United States for the amount which has been  
 19               paid on such individual’s behalf under the contract  
 20               if that individual—

21                       “(A) is enrolled in the final year of a  
 22                       course of study and—

23                               “(i) fails to maintain an acceptable  
 24                               level of academic standing in the edu-  
 25                               cational institution in which he or she is

1 enrolled (such level determined by the edu-  
 2 cational institution under regulations of  
 3 the Secretary);

4 “(ii) voluntarily terminates such en-  
 5 rollment; or

6 “(iii) is dismissed from such edu-  
 7 cational institution before completion of  
 8 such course of study; or

9 “(B) is enrolled in a graduate training pro-  
 10 gram and fails to complete such training pro-  
 11 gram.

12 “(2) OTHER BREACHES; FORMULA FOR  
 13 AMOUNT OWED.—If, for any reason not specified in  
 14 paragraph (1), an individual breaches his or her  
 15 written contract under this section by failing either  
 16 to begin, or complete, such individual’s period of ob-  
 17 ligated service in accordance with subsection (e)(2),  
 18 the United States shall be entitled to recover from  
 19 such individual an amount to be determined in ac-  
 20 cordance with the following formula:  $A=3Z(t-s/t)$   
 21 in which—

22 “(A) ‘A’ is the amount the United States  
 23 is entitled to recover;

24 “(B) ‘Z’ is the sum of the amounts paid  
 25 under this section to, or on behalf of, the indi-



1           vidual and the interest on such amounts which  
 2           would be payable if, at the time the amounts  
 3           were paid, they were loans bearing interest at  
 4           the maximum legal prevailing rate, as deter-  
 5           mined by the Secretary of the Treasury;

6           “(C) ‘t’ is the total number of months in  
 7           the individual’s period of obligated service in  
 8           accordance with subsection (f); and

9           “(D) ‘s’ is the number of months of such  
 10          period served by such individual in accordance  
 11          with this section.

12          “(3) DEDUCTIONS IN MEDICARE PAYMENTS.—  
 13          Amounts not paid within such period shall be sub-  
 14          ject to collection through deductions in Medicare  
 15          payments pursuant to section 1892 of the Social Se-  
 16          curity Act.

17          “(4) TIME PERIOD FOR REPAYMENT.—Any  
 18          amount of damages which the United States is enti-  
 19          tled to recover under this subsection shall be paid to  
 20          the United States within the 1-year period beginning  
 21          on the date of the breach or such longer period be-  
 22          ginning on such date as shall be specified by the  
 23          Secretary.

24          “(5) RECOVERY OF DELINQUENCY.—

1           “(A) IN GENERAL.—If damages described  
2           in paragraph (4) are delinquent for 3 months,  
3           the Secretary shall, for the purpose of recov-  
4           ering such damages—

5                   “(i) use collection agencies contracted  
6                   with by the Administrator of General Serv-  
7                   ices; or

8                   “(ii) enter into contracts for the re-  
9                   covery of such damages with collection  
10                  agencies selected by the Secretary.

11           “(B) REPORT.—Each contract for recov-  
12           ering damages pursuant to this subsection shall  
13           provide that the contractor will, not less than  
14           once each 6 months, submit to the Secretary a  
15           status report on the success of the contractor in  
16           collecting such damages. Section 3718 of title  
17           31, United States Code, shall apply to any such  
18           contract to the extent not inconsistent with this  
19           subsection.

20           “(m) WAIVER OR SUSPENSION OF OBLIGATION.—

21                   “(1) IN GENERAL.—The Secretary shall by reg-  
22                   ulation provide for the partial or total waiver or sus-  
23                   pension of any obligation of service or payment by  
24                   an individual under the Loan Repayment Program  
25                   whenever compliance by the individual is impossible

1 or would involve extreme hardship to the individual  
2 and if enforcement of such obligation with respect to  
3 any individual would be unconscionable.

4 “(2) CANCELED UPON DEATH.—Any obligation  
5 of an individual under the Loan Repayment Pro-  
6 gram for service or payment of damages shall be  
7 canceled upon the death of the individual.

8 “(3) HARDSHIP WAIVER.—The Secretary may  
9 waive, in whole or in part, the rights of the United  
10 States to recover amounts under this section in any  
11 case of extreme hardship or other good cause shown,  
12 as determined by the Secretary.

13 “(4) BANKRUPTCY.—Any obligation of an indi-  
14 vidual under the Loan Repayment Program for pay-  
15 ment of damages may be released by a discharge in  
16 bankruptcy under title 11 of the United States Code  
17 only if such discharge is granted after the expiration  
18 of the 5-year period beginning on the first date that  
19 payment of such damages is required, and only if  
20 the bankruptcy court finds that nondischarge of the  
21 obligation would be unconscionable.

22 “(n) REPORT.—The Secretary shall submit to the  
23 President, for inclusion in the report required to be sub-  
24 mitted to Congress under section 801, a report concerning

1 the previous fiscal year which sets forth by Service Area  
2 the following:

3 “(1) A list of the health professional positions  
4 maintained by Indian Health Programs and Urban  
5 Indian Organizations for which recruitment or reten-  
6 tion is difficult.

7 “(2) The number of Loan Repayment Program  
8 applications filed with respect to each type of health  
9 profession.

10 “(3) The number of contracts described in sub-  
11 section (e) that are entered into with respect to each  
12 health profession.

13 “(4) The amount of loan payments made under  
14 this section, in total and by health profession.

15 “(5) The number of scholarships that are pro-  
16 vided under sections 104 and 106 with respect to  
17 each health profession.

18 “(6) The amount of scholarship grants provided  
19 under section 104 and 106, in total and by health  
20 profession.

21 “(7) The number of providers of health care  
22 that will be needed by Indian Health Programs and  
23 Urban Indian Organizations, by location and profes-  
24 sion, during the 3 fiscal years beginning after the  
25 date the report is filed.

1           “(8) The measures the Secretary plans to take  
2           to fill the health professional positions maintained  
3           by Indian Health Programs or Urban Indian Orga-  
4           nizations for which recruitment or retention is dif-  
5           ficult.

6   **“SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOV-**  
7                           **ERY FUND.**

8           “(a) ESTABLISHMENT.—There is established in the  
9   Treasury of the United States a fund to be known as the  
10   Indian Health Scholarship and Loan Repayment Recovery  
11   Fund (hereafter in this section referred to as the ‘LRRF’).  
12   The LRRF shall consist of such amounts as may be col-  
13   lected from individuals under section 104(d), section  
14   106(e), and section 110(l) for breach of contract, such  
15   funds as may be appropriated to the LRRF, and interest  
16   earned on amounts in the LRRF. All amounts collected,  
17   appropriated, or earned relative to the LRRF shall remain  
18   available until expended.

19          “(b) USE OF FUNDS.—

20               “(1) BY SECRETARY.—Amounts in the LRRF  
21           may be expended by the Secretary, acting through  
22           the Service, to make payments to an Indian Health  
23           Program—

24                       “(A) to which a scholarship recipient under  
25           section 104 and 106 or a loan repayment pro-

1           gram participant under section 110 has been  
2           assigned to meet the obligated service require-  
3           ments pursuant to such sections; and

4           “(B) that has a need for a health profes-  
5           sional to provide health care services as a result  
6           of such recipient or participant having breached  
7           the contract entered into under section 104,  
8           106, or section 110.

9           “(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal  
10          Health Program receiving payments pursuant to  
11          paragraph (1) may expend the payments to provide  
12          scholarships or recruit and employ, directly or by  
13          contract, health professionals to provide health care  
14          services.

15          “(c) INVESTMENT OF FUNDS.—The Secretary of the  
16          Treasury shall invest such amounts of the LRRF as the  
17          Secretary of Health and Human Services determines are  
18          not required to meet current withdrawals from the LRRF.  
19          Such investments may be made only in interest bearing  
20          obligations of the United States. For such purpose, such  
21          obligations may be acquired on original issue at the issue  
22          price, or by purchase of outstanding obligations at the  
23          market price.

“(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

18 "SEC. 113. INDIAN RECRUITMENT AND RETENTION PRO-  
19 GRAM.

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1       “(b) ELIGIBLE ENTITIES; APPLICATION.—Any Trib-  
2 al Health Program or Urban Indian Organization may  
3 submit an application for funding of a project pursuant  
4 to this section.

5       **“SEC. 114. ADVANCED TRAINING AND RESEARCH.**

6       “(a) DEMONSTRATION PROGRAM.—The Secretary,  
7 acting through the Service, shall establish a demonstration  
8 project to enable health professionals who have worked in  
9 an Indian Health Program or Urban Indian Organization  
10 for a substantial period of time to pursue advanced train-  
11 ing or research areas of study for which the Secretary de-  
12 termines a need exists.

13       “(b) SERVICE OBLIGATION.—An individual who par-  
14 ticipates in a program under subsection (a), where the  
15 educational costs are borne by the Service, shall incur an  
16 obligation to serve in an Indian Health Program or Urban  
17 Indian Organization for a period of obligated service equal  
18 to at least the period of time during which the individual  
19 participates in such program. In the event that the indi-  
20 vidual fails to complete such obligated service, the indi-  
21 vidual shall be liable to the United States for the period  
22 of service remaining. In such event, with respect to indi-  
23 viduals entering the program after the date of enactment  
24 of the Indian Health Care Improvement Act Amendments  
25 of 2007, the United States shall be entitled to recover



1 from such individual an amount to be determined in ac-  
 2 cordance with the formula specified in subsection (l) of  
 3 section 110 in the manner provided for in such subsection.

4 “(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—  
 5 Health professionals from Tribal Health Programs and  
 6 Urban Indian Organizations shall be given an equal oppor-  
 7 tunity to participate in the program under subsection (a).

8 **“SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO**  
 9 **NURSING PROGRAM.**

10 “(a) GRANTS AUTHORIZED.—For the purpose of in-  
 11 creasing the number of nurses, nurse midwives, and nurse  
 12 practitioners who deliver health care services to Indians,  
 13 the Secretary, acting through the Service, shall provide  
 14 grants to the following:

15 “(1) Public or private schools of nursing.

16 “(2) Tribal colleges or universities.

17 “(3) Nurse midwife programs and advanced  
 18 practice nurse programs that are provided by any  
 19 tribal college or university accredited nursing pro-  
 20 gram, or in the absence of such, any other public or  
 21 private institutions.

22 “(b) USE OF GRANTS.—Grants provided under sub-  
 23 section (a) may be used for 1 or more of the following:

1           “(1) To recruit individuals for programs which  
2       train individuals to be nurses, nurse midwives, or  
3       advanced practice nurses.

4           “(2) To provide scholarships to Indians enrolled  
5       in such programs that may pay the tuition charged  
6       for such program and other expenses incurred in  
7       connection with such program, including books, fees,  
8       room and board, and stipends for living expenses.

9           “(3) To provide a program that encourages  
10      nurses, nurse midwives, and advanced practice  
11      nurses to provide, or continue to provide, health care  
12      services to Indians.

13          “(4) To provide a program that increases the  
14      skills of, and provides continuing education to,  
15      nurses, nurse midwives, and advanced practice  
16      nurses.

17          “(5) To provide any program that is designed  
18      to achieve the purpose described in subsection (a).

19          “(c) APPLICATIONS.—Each application for a grant  
20      under subsection (a) shall include such information as the  
21      Secretary may require to establish the connection between  
22      the program of the applicant and a health care facility  
23      that primarily serves Indians.

1       “(d) PREFERENCES FOR GRANT RECIPIENTS.—In  
 2 providing grants under subsection (a), the Secretary shall  
 3 extend a preference to the following:

4           “(1) Programs that provide a preference to In-  
 5 dians.

6           “(2) Programs that train nurse midwives or ad-  
 7 vanced practice nurses.

8           “(3) Programs that are interdisciplinary.

9           “(4) Programs that are conducted in coopera-  
 10 tion with a program for gifted and talented Indian  
 11 students.

12           “(5) Programs conducted by tribal colleges and  
 13 universities.

14       “(e) QUENTIN N. BURDICK PROGRAM GRANT.—The  
 15 Secretary shall provide 1 of the grants authorized under  
 16 subsection (a) to establish and maintain a program at the  
 17 University of North Dakota to be known as the ‘Quentin  
 18 N. Burdick American Indians Into Nursing Program’.  
 19 Such program shall, to the maximum extent feasible, co-  
 20 ordinate with the Quentin N. Burdick Indian Health Pro-  
 21 grams established under section 117(b) and the Quentin  
 22 N. Burdick American Indians Into Psychology Program  
 23 established under section 105(b).

24       “(f) ACTIVE DUTY SERVICE OBLIGATION.—The ac-  
 25 tive duty service obligation prescribed under section 338C

1 of the Public Health Service Act (42 U.S.C. 254m) shall  
2 be met by each individual who receives training or assist-  
3 ance described in paragraph (1) or (2) of subsection (b)  
4 that is funded by a grant provided under subsection (a).  
5 Such obligation shall be met by service—

6 “(1) in the Service;

7 “(2) in a program of an Indian Tribe or Tribal  
8 Organization conducted under the Indian Self-Deter-  
9 mination and Education Assistance Act (25 U.S.C.  
10 450 et seq.) (including programs under agreements  
11 with the Bureau of Indian Affairs);

12 “(3) in a program assisted under title V of this  
13 Act;

14 “(4) in the private practice of nursing if, as de-  
15 termined by the Secretary, in accordance with guide-  
16 lines promulgated by the Secretary, such practice is  
17 situated in a physician or other health shortage area  
18 and addresses the health care needs of a substantial  
19 number of Indians; or

20 “(5) in a teaching capacity in a tribal college or  
21 university nursing program (or a related health pro-  
22 fession program) if, as determined by the Secretary,  
23 health services provided to Indians would not de-  
24 crease.

1 **“SEC. 116. TRIBAL CULTURAL ORIENTATION.**

2 “(a) CULTURAL EDUCATION OF EMPLOYEES.—The  
3 Secretary, acting through the Service, shall require that  
4 appropriate employees of the Service who serve Indian  
5 Tribes in each Service Area receive educational instruction  
6 in the history and culture of such Indian Tribes and their  
7 relationship to the Service.

8 “(b) PROGRAM.—In carrying out subsection (a), the  
9 Secretary shall establish a program which shall, to the ex-  
10 tent feasible—

11 “(1) be developed in consultation with the af-  
12 fected Indian Tribes, Tribal Organizations, and  
13 Urban Indian Organizations;

14 “(2) be carried out through tribal colleges or  
15 universities;

16 “(3) include instruction in American Indian  
17 studies; and

18 “(4) describe the use and place of traditional  
19 health care practices of the Indian Tribes in the  
20 Service Area.

21 **“SEC. 117. INMED PROGRAM.**

22 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
23 through the Service, is authorized to provide grants to col-  
24 leges and universities for the purpose of maintaining and  
25 expanding the Indian health careers recruitment program  
26 known as the ‘Indians Into Medicine Program’ (herein-

1 after in this section referred to as ‘INMED’) as a means  
2 of encouraging Indians to enter the health professions.

3 “(b) QUENTIN N. BURDICK GRANT.—The Secretary  
4 shall provide 1 of the grants authorized under subsection  
5 (a) to maintain the INMED program at the University  
6 of North Dakota, to be known as the ‘Quentin N. Burdick  
7 Indian Health Programs’, unless the Secretary makes a  
8 determination, based upon program reviews, that the pro-  
9 gram is not meeting the purposes of this section. Such  
10 program shall, to the maximum extent feasible, coordinate  
11 with the Quentin N. Burdick American Indians Into Psy-  
12 chology Program established under section 105(b) and the  
13 Quentin N. Burdick American Indians Into Nursing Pro-  
14 gram established under section 115.

15 “(c) REGULATIONS.—The Secretary, pursuant to this  
16 Act, shall develop regulations to govern grants pursuant  
17 to this section.

18 “(d) REQUIREMENTS.—Applicants for grants pro-  
19 vided under this section shall agree to provide a program  
20 which—

21 “(1) provides outreach and recruitment for  
22 health professions to Indian communities including  
23 elementary and secondary schools and community  
24 colleges located on reservations which will be served  
25 by the program;

1           “(2) incorporates a program advisory board  
2       comprised of representatives from the Indian Tribes  
3       and Indian communities which will be served by the  
4       program;

5           “(3) provides summer preparatory programs for  
6       Indian students who need enrichment in the subjects  
7       of math and science in order to pursue training in  
8       the health professions;

9           “(4) provides tutoring, counseling, and support  
10      to students who are enrolled in a health career pro-  
11      gram of study at the respective college or university;  
12      and

13           “(5) to the maximum extent feasible, employs  
14      qualified Indians in the program.

15   **“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY**  
16           **COLLEGES.**

17           “(a) GRANTS TO ESTABLISH PROGRAMS.—

18           “(1) IN GENERAL.—The Secretary, acting  
19      through the Service, shall award grants to accredited  
20      and accessible community colleges for the purpose of  
21      assisting such community colleges in the establish-  
22      ment of programs which provide education in a  
23      health profession leading to a degree or diploma in  
24      a health profession for individuals who desire to

1 practice such profession on or near a reservation or  
2 in an Indian Health Program.

3 “(2) AMOUNT OF GRANTS.—The amount of any  
4 grant awarded to a community college under para-  
5 graph (1) for the first year in which such a grant  
6 is provided to the community college shall not exceed  
7 \$250,000.

8 “(b) GRANTS FOR MAINTENANCE AND RECRUIT-  
9 ING.—

10 “(1) IN GENERAL.—The Secretary, acting  
11 through the Service, shall award grants to accredited  
12 and accessible community colleges that have estab-  
13 lished a program described in subsection (a)(1) for  
14 the purpose of maintaining the program and recruit-  
15 ing students for the program.

16 “(2) REQUIREMENTS.—Grants may only be  
17 made under this section to a community college  
18 which—

19 “(A) is accredited;

20 “(B) has a relationship with a hospital fa-  
21 cility, Service facility, or hospital that could  
22 provide training of nurses or health profes-  
23 sionals;



1           “(C) has entered into an agreement with  
2           an accredited college or university medical  
3           school, the terms of which—

4           “(i) provide a program that enhances  
5           the transition and recruitment of students  
6           into advanced baccalaureate or graduate  
7           programs that train health professionals;  
8           and

9           “(ii) stipulate certifications necessary  
10          to approve internship and field placement  
11          opportunities at Indian Health Programs;

12          “(D) has a qualified staff which has the  
13          appropriate certifications;

14          “(E) is capable of obtaining State or re-  
15          gional accreditation of the program described in  
16          subsection (a)(1); and

17          “(F) agrees to provide for Indian pref-  
18          erence for applicants for programs under this  
19          section.

20          “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
21          encourage community colleges described in subsection  
22          (b)(2) to establish and maintain programs described in  
23          subsection (a)(1) by—

24          “(1) entering into agreements with such col-  
25          leges for the provision of qualified personnel of the

1 Service to teach courses of study in such programs;  
 2 and

3 “(2) providing technical assistance and support  
 4 to such colleges.

5 “(d) ADVANCED TRAINING.—

6 “(1) REQUIRED.—Any program receiving as-  
 7 sistance under this section that is conducted with re-  
 8 spect to a health profession shall also offer courses  
 9 of study which provide advanced training for any  
 10 health professional who—

11 “(A) has already received a degree or di-  
 12 ploma in such health profession; and

13 “(B) provides clinical services on or near a  
 14 reservation or for an Indian Health Program.

15 “(2) MAY BE OFFERED AT ALTERNATE SITE.—

16 Such courses of study may be offered in conjunction  
 17 with the college or university with which the commu-  
 18 nity college has entered into the agreement required  
 19 under subsection (b)(2)(C).

20 “(e) PRIORITY.—Where the requirements of sub-  
 21 section (b) are met, grant award priority shall be provided  
 22 to tribal colleges and universities in Service Areas where  
 23 they exist.

1 **“SEC. 119. RETENTION BONUS.**

2       “(a) BONUS AUTHORIZED.—The Secretary may pay  
3 a retention bonus to any health professional employed by,  
4 or assigned to, and serving in, an Indian Health Program  
5 or Urban Indian Organization either as a civilian employee  
6 or as a commissioned officer in the Regular or Reserve  
7 Corps of the Public Health Service who—

8               “(1) is assigned to, and serving in, a position  
9 for which recruitment or retention of personnel is  
10 difficult;

11               “(2) the Secretary determines is needed by In-  
12 dian Health Programs and Urban Indian Organiza-  
13 tions;

14               “(3) has—

15                       “(A) completed 2 years of employment  
16 with an Indian Health Program or Urban In-  
17 dian Organization; or

18                       “(B) completed any service obligations in-  
19 curred as a requirement of—

20                               “(i) any Federal scholarship program;

21                                       or

22                               “(ii) any Federal education loan re-  
23 payment program; and

24               “(4) enters into an agreement with an Indian  
25 Health Program or Urban Indian Organization for

1 continued employment for a period of not less than  
2 1 year.

3 “(b) RATES.—The Secretary may establish rates for  
4 the retention bonus which shall provide for a higher an-  
5 nual rate for multiyear agreements than for single year  
6 agreements referred to in subsection (a)(4), but in no  
7 event shall the annual rate be more than \$25,000 per  
8 annum.

9 “(c) DEFAULT OF RETENTION AGREEMENT.—Any  
10 health professional failing to complete the agreed upon  
11 term of service, except where such failure is through no  
12 fault of the individual, shall be obligated to refund to the  
13 Government the full amount of the retention bonus for the  
14 period covered by the agreement, plus interest as deter-  
15 mined by the Secretary in accordance with section  
16 110(l)(2)(B).

17 “(d) OTHER RETENTION BONUS.—The Secretary  
18 may pay a retention bonus to any health professional em-  
19 ployed by a Tribal Health Program if such health profes-  
20 sional is serving in a position which the Secretary deter-  
21 mines is—

22 “(1) a position for which recruitment or reten-  
23 tion is difficult; and

24 “(2) necessary for providing health care services  
25 to Indians.

1 **“SEC. 120. NURSING RESIDENCY PROGRAM.**

2       “(a) ESTABLISHMENT OF PROGRAM.—The Sec-  
3 retary, acting through the Service, shall establish a pro-  
4 gram to enable Indians who are licensed practical nurses,  
5 licensed vocational nurses, and registered nurses who are  
6 working in an Indian Health Program or Urban Indian  
7 Organization, and have done so for a period of not less  
8 than 1 year, to pursue advanced training. Such program  
9 shall include a combination of education and work study  
10 in an Indian Health Program or Urban Indian Organiza-  
11 tion leading to an associate or bachelor’s degree (in the  
12 case of a licensed practical nurse or licensed vocational  
13 nurse), a bachelor’s degree (in the case of a registered  
14 nurse), or advanced degrees or certifications in nursing  
15 and public health.

16       “(b) SERVICE OBLIGATION.—An individual who par-  
17 ticipates in a program under subsection (a), where the  
18 educational costs are paid by the Service, shall incur an  
19 obligation to serve in an Indian Health Program or Urban  
20 Indian Organization for a period of obligated service equal  
21 to 1 year for every year that nonprofessional employee (li-  
22 censed practical nurses, licensed vocational nurses, nurs-  
23 ing assistants, and various health care technicals), or 2  
24 years for every year that professional nurse (associate de-  
25 gree and bachelor-prepared registered nurses), partici-  
26 pates in such program. In the event that the individual

1 fails to complete such obligated service, the United States  
 2 shall be entitled to recover from such individual an amount  
 3 determined in accordance with the formula specified in  
 4 subsection (l) of section 110 in the manner provided for  
 5 in such subsection.

6 **“SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.**

7       “(a) GENERAL PURPOSES OF PROGRAM.—Under the  
 8 authority of the Act of November 2, 1921 (25 U.S.C. 13)  
 9 (commonly known as the ‘Snyder Act’), the Secretary, act-  
 10 ing through the Service, shall develop and operate a Com-  
 11 munity Health Aide Program in Alaska under which the  
 12 Service—

13               “(1) provides for the training of Alaska Natives  
 14 as health aides or community health practitioners;

15               “(2) uses such aides or practitioners in the pro-  
 16 vision of health care, health promotion, and disease  
 17 prevention services to Alaska Natives living in vil-  
 18 lages in rural Alaska; and

19               “(3) provides for the establishment of tele-  
 20 conferencing capacity in health clinics located in or  
 21 near such villages for use by community health aides  
 22 or community health practitioners.

23       “(b) SPECIFIC PROGRAM REQUIREMENTS.—The Sec-  
 24 retary, acting through the Community Health Aide Pro-  
 25 gram of the Service, shall—

1           “(1) using trainers accredited by the Program,  
2           provide a high standard of training to community  
3           health aides and community health practitioners to  
4           ensure that such aides and practitioners provide  
5           quality health care, health promotion, and disease  
6           prevention services to the villages served by the Pro-  
7           gram;

8           “(2) in order to provide such training, develop  
9           a curriculum that—

10               “(A) combines education in the theory of  
11               health care with supervised practical experience  
12               in the provision of health care;

13               “(B) provides instruction and practical ex-  
14               perience in the provision of acute care, emer-  
15               gency care, health promotion, disease preven-  
16               tion, and the efficient and effective manage-  
17               ment of clinic pharmacies, supplies, equipment,  
18               and facilities; and

19               “(C) promotes the achievement of the  
20               health status objectives specified in section  
21               3(2);

22           “(3) establish and maintain a Community  
23           Health Aide Certification Board to certify as com-  
24           munity health aides or community health practi-  
25           tioners individuals who have successfully completed

1 the training described in paragraph (1) or can dem-  
2 onstrate equivalent experience;

3 “(4) develop and maintain a system which iden-  
4 tifies the needs of community health aides and com-  
5 munity health practitioners for continuing education  
6 in the provision of health care, including the areas  
7 described in paragraph (2)(B), and develop pro-  
8 grams that meet the needs for such continuing edu-  
9 cation;

10 “(5) develop and maintain a system that pro-  
11 vides close supervision of community health aides  
12 and community health practitioners;

13 “(6) develop a system under which the work of  
14 community health aides and community health prac-  
15 titioners is reviewed and evaluated to assure the pro-  
16 vision of quality health care, health promotion, and  
17 disease prevention services; and

18 “(7) ensure that pulpal therapy (not including  
19 pulpotomies on deciduous teeth) or extraction of  
20 adult teeth can be performed by a dental health aide  
21 therapist only after consultation with a licensed den-  
22 tist who determines that the procedure is a medical  
23 emergency that cannot be resolved with palliative  
24 treatment, and further that dental health aide thera-  
25 pists are strictly prohibited from performing all



1 other oral or jaw surgeries, provided that uncompli-  
2 cated extractions shall not be considered oral sur-  
3 gery under this section.

4 “(c) PROGRAM REVIEW.—

5 “(1) NEUTRAL PANEL.—

6 “(A) ESTABLISHMENT.—The Secretary,  
7 acting through the Service, shall establish a  
8 neutral panel to carry out the study under  
9 paragraph (2).

10 “(B) MEMBERSHIP.—Members of the neu-  
11 tral panel shall be appointed by the Secretary  
12 from among clinicians, economists, community  
13 practitioners, oral epidemiologists, and Alaska  
14 Natives.

15 “(2) STUDY.—

16 “(A) IN GENERAL.—The neutral panel es-  
17 tablished under paragraph (1) shall conduct a  
18 study of the dental health aide therapist serv-  
19 ices provided by the Community Health Aide  
20 Program under this section to ensure that the  
21 quality of care provided through those services  
22 is adequate and appropriate.

23 “(B) PARAMETERS OF STUDY.—The Sec-  
24 retary, in consultation with interested parties,

1 including professional dental organizations,  
2 shall develop the parameters of the study.

3 “(C) INCLUSIONS.—The study shall in-  
4 clude a determination by the neutral panel with  
5 respect to—

6 “(i) the ability of the dental health  
7 aide therapist services under this section to  
8 address the dental care needs of Alaska  
9 Natives;

10 “(ii) the quality of care provided  
11 through those services, including any train-  
12 ing, improvement, or additional oversight  
13 required to improve the quality of care;  
14 and

15 “(iii) whether safer and less costly al-  
16 ternatives to the dental health aide thera-  
17 pist services exist.

18 “(D) CONSULTATION.—In carrying out the  
19 study under this paragraph, the neutral panel  
20 shall consult with Alaska Tribal Organizations  
21 with respect to the adequacy and accuracy of  
22 the study.

23 “(3) REPORT.—The neutral panel shall submit  
24 to the Secretary, the Committee on Indian Affairs of  
25 the Senate, and the Committee on Natural Re-

1 sources of the House of Representatives a report de-  
 2 scribing the results of the study under paragraph  
 3 (2), including a description of—

4 “(A) any determination of the neutral  
 5 panel under paragraph (2)(C); and

6 “(B) any comments received from an Alas-  
 7 ka Tribal Organization under paragraph  
 8 (2)(D).

9 “(d) NATIONALIZATION OF PROGRAM.—

10 “(1) IN GENERAL.—Except as provided in para-  
 11 graph (2), the Secretary, acting through the Service,  
 12 may establish a national Community Health Aide  
 13 Program in accordance with the program under this  
 14 section, as the Secretary determines to be appro-  
 15 priate.

16 “(2) EXCEPTION.—The national Community  
 17 Health Aide Program under paragraph (1) shall not  
 18 include dental health aide therapist services.

19 “(3) REQUIREMENT.—In establishing a na-  
 20 tional program under paragraph (1), the Secretary  
 21 shall not reduce the amount of funds provided for  
 22 the Community Health Aide Program described in  
 23 subsections (a) and (b).

1 **“SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.**

2 “The Secretary, acting through the Service, shall, by  
3 contract or otherwise, provide training for Indians in the  
4 administration and planning of Tribal Health Programs.

5 **“SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE**  
6 **DEMONSTRATION PROGRAMS.**

7 “(a) DEMONSTRATION PROGRAMS AUTHORIZED.—  
8 The Secretary, acting through the Service, may fund dem-  
9 onstration programs for Tribal Health Programs to ad-  
10 dress the chronic shortages of health professionals.

11 “(b) PURPOSES OF PROGRAMS.—The purposes of  
12 demonstration programs funded under subsection (a) shall  
13 be—

14 “(1) to provide direct clinical and practical ex-  
15 perience at a Service Unit to health profession stu-  
16 dents and residents from medical schools;

17 “(2) to improve the quality of health care for  
18 Indians by assuring access to qualified health care  
19 professionals; and

20 “(3) to provide academic and scholarly opportu-  
21 nities for health professionals serving Indians by  
22 identifying all academic and scholarly resources of  
23 the region.

24 “(c) ADVISORY BOARD.—The demonstration pro-  
25 grams established pursuant to subsection (a) shall incor-  
26 porate a program advisory board composed of representa-

1 tives from the Indian Tribes and Indian communities in  
 2 the area which will be served by the program.

3 **“SEC. 124. NATIONAL HEALTH SERVICE CORPS.**

4 “(a) NO REDUCTION IN SERVICES.—The Secretary  
 5 shall not—

6 “(1) remove a member of the National Health  
 7 Service Corps from an Indian Health Program or  
 8 Urban Indian Organization; or

9 “(2) withdraw funding used to support such  
 10 member, unless the Secretary, acting through the  
 11 Service, has ensured that the Indians receiving serv-  
 12 ices from such member will experience no reduction  
 13 in services.

14 “(b) EXEMPTION FROM LIMITATIONS.—National  
 15 Health Service Corps scholars qualifying for the Commis-  
 16 sioned Corps in the Public Health Service shall be exempt  
 17 from the full-time equivalent limitations of the National  
 18 Health Service Corps and the Service when serving as a  
 19 commissioned corps officer in a Tribal Health Program  
 20 or an Urban Indian Organization.

21 **“SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL**  
 22 **CURRICULA DEMONSTRATION PROGRAMS.**

23 “(a) CONTRACTS AND GRANTS.—The Secretary, act-  
 24 ing through the Service, may enter into contracts with,  
 25 or make grants to, accredited tribal colleges and univer-

1 sities and eligible accredited and accessible community col-  
2 leges to establish demonstration programs to develop edu-  
3 cational curricula for substance abuse counseling.

4 “(b) USE OF FUNDS.—Funds provided under this  
5 section shall be used only for developing and providing  
6 educational curriculum for substance abuse counseling (in-  
7 cluding paying salaries for instructors). Such curricula  
8 may be provided through satellite campus programs.

9 “(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A  
10 contract entered into or a grant provided under this sec-  
11 tion shall be for a period of 3 years. Such contract or  
12 grant may be renewed for an additional 2-year period  
13 upon the approval of the Secretary.

14 “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
15 PPLICATIONS.—Not later than 180 days after the date of  
16 enactment of the Indian Health Care Improvement Act  
17 Amendments of 2007, the Secretary, after consultation  
18 with Indian Tribes and administrators of tribal colleges  
19 and universities and eligible accredited and accessible com-  
20 munity colleges, shall develop and issue criteria for the  
21 review and approval of applications for funding (including  
22 applications for renewals of funding) under this section.  
23 Such criteria shall ensure that demonstration programs  
24 established under this section promote the development of

1 the capacity of such entities to educate substance abuse  
2 counselors.

3 “(e) ASSISTANCE.—The Secretary shall provide such  
4 technical and other assistance as may be necessary to en-  
5 able grant recipients to comply with the provisions of this  
6 section.

7 “(f) REPORT.—Each fiscal year, the Secretary shall  
8 submit to the President, for inclusion in the report which  
9 is required to be submitted under section 801 for that fis-  
10 cal year, a report on the findings and conclusions derived  
11 from the demonstration programs conducted under this  
12 section during that fiscal year.

13 “(g) DEFINITION.—For the purposes of this section,  
14 the term ‘educational curriculum’ means 1 or more of the  
15 following:

16 “(1) Classroom education.

17 “(2) Clinical work experience.

18 “(3) Continuing education workshops.

19 **“SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMU-**  
20 **NITY EDUCATION PROGRAMS.**

21 “(a) STUDY; LIST.—The Secretary, acting through  
22 the Service, and the Secretary of the Interior, in consulta-  
23 tion with Indian Tribes and Tribal Organizations, shall  
24 conduct a study and compile a list of the types of staff  
25 positions specified in subsection (b) whose qualifications

1 include, or should include, training in the identification,  
2 prevention, education, referral, or treatment of mental ill-  
3 ness, or dysfunctional and self destructive behavior.

4 “(b) POSITIONS.—The positions referred to in sub-  
5 section (a) are—

6 “(1) staff positions within the Bureau of Indian  
7 Affairs, including existing positions, in the fields  
8 of—

9 “(A) elementary and secondary education;

10 “(B) social services and family and child  
11 welfare;

12 “(C) law enforcement and judicial services;  
13 and

14 “(D) alcohol and substance abuse;

15 “(2) staff positions within the Service; and

16 “(3) staff positions similar to those identified in  
17 paragraphs (1) and (2) established and maintained  
18 by Indian Tribes, Tribal Organizations (without re-  
19 gard to the funding source), and Urban Indian Or-  
20 ganizations.

21 “(c) TRAINING CRITERIA.—

22 “(1) IN GENERAL.—The appropriate Secretary  
23 shall provide training criteria appropriate to each  
24 type of position identified in subsection (b)(1) and  
25 (b)(2) and ensure that appropriate training has



1       been, or shall be provided to any individual in any  
 2       such position. With respect to any such individual in  
 3       a position identified pursuant to subsection (b)(3),  
 4       the respective Secretaries shall provide appropriate  
 5       training to, or provide funds to, an Indian Tribe,  
 6       Tribal Organization, or Urban Indian Organization  
 7       for training of appropriate individuals. In the case of  
 8       positions funded under a contract or compact under  
 9       the Indian Self-Determination and Education Assist-  
 10      ance Act (25 U.S.C. 450 et seq.), the appropriate  
 11      Secretary shall ensure that such training costs are  
 12      included in the contract or compact, as the Sec-  
 13      retary determines necessary.

14           “(2) POSITION SPECIFIC TRAINING CRITERIA.—  
 15      Position specific training criteria shall be culturally  
 16      relevant to Indians and Indian Tribes and shall en-  
 17      sure that appropriate information regarding tradi-  
 18      tional health care practices is provided.

19           “(d) COMMUNITY EDUCATION ON MENTAL ILL-  
 20      NESS.—The Service shall develop and implement, on re-  
 21      quest of an Indian Tribe, Tribal Organization, or Urban  
 22      Indian Organization, or assist the Indian Tribe, Tribal Or-  
 23      ganization, or Urban Indian Organization to develop and  
 24      implement, a program of community education on mental  
 25      illness. In carrying out this subsection, the Service shall,

1 upon request of an Indian Tribe, Tribal Organization, or  
2 Urban Indian Organization, provide technical assistance  
3 to the Indian Tribe, Tribal Organization, or Urban Indian  
4 Organization to obtain and develop community edu-  
5 cational materials on the identification, prevention, refer-  
6 ral, and treatment of mental illness and dysfunctional and  
7 self-destructive behavior.

8 “(e) PLAN.—Not later than 90 days after the date  
9 of enactment of the Indian Health Care Improvement Act  
10 Amendments of 2007, the Secretary shall develop a plan  
11 under which the Service will increase the health care staff  
12 providing behavioral health services by at least 500 posi-  
13 tions within 5 years after the date of enactment of this  
14 section, with at least 200 of such positions devoted to  
15 child, adolescent, and family services. The plan developed  
16 under this subsection shall be implemented under the Act  
17 of November 2, 1921 (25 U.S.C. 13) (commonly known  
18 as the ‘Snyder Act’).

19 **“SEC. 127. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated such sums  
21 as may be necessary for each fiscal year through fiscal  
22 year 2017 to carry out this title.

1     **“TITLE II—HEALTH SERVICES**

2     **“SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.**

3         “(a) USE OF FUNDS.—The Secretary, acting through  
 4 the Service, is authorized to expend funds, directly or  
 5 under the authority of the Indian Self-Determination and  
 6 Education Assistance Act (25 U.S.C. 450 et seq.), which  
 7 are appropriated under the authority of this section, for  
 8 the purposes of—

9             “(1) eliminating the deficiencies in health sta-  
 10 tus and health resources of all Indian Tribes;

11            “(2) eliminating backlogs in the provision of  
 12 health care services to Indians;

13            “(3) meeting the health needs of Indians in an  
 14 efficient and equitable manner, including the use of  
 15 telehealth and telemedicine when appropriate;

16            “(4) eliminating inequities in funding for both  
 17 direct care and contract health service programs;  
 18 and

19            “(5) augmenting the ability of the Service to  
 20 meet the following health service responsibilities with  
 21 respect to those Indian Tribes with the highest levels  
 22 of health status deficiencies and resource defi-  
 23 ciencies:

24                 “(A) Clinical care, including inpatient care,  
 25 outpatient care (including audiology, clinical

1 eye, and vision care), primary care, secondary  
 2 and tertiary care, and long-term care.

3 “(B) Preventive health, including mam-  
 4 mography and other cancer screening in accord-  
 5 ance with section 207.

6 “(C) Dental care.

7 “(D) Mental health, including community  
 8 mental health services, inpatient mental health  
 9 services, dormitory mental health services,  
 10 therapeutic and residential treatment centers,  
 11 and training of traditional health care practi-  
 12 tioners.

13 “(E) Emergency medical services.

14 “(F) Treatment and control of, and reha-  
 15 bilitative care related to, alcoholism and drug  
 16 abuse (including fetal alcohol syndrome) among  
 17 Indians.

18 “(G) Injury prevention programs, includ-  
 19 ing data collection and evaluation, demonstra-  
 20 tion projects, training, and capacity building.

21 “(H) Home health care.

22 “(I) Community health representatives.

23 “(J) Maintenance and improvement.

24 “(b) NO OFFSET OR LIMITATION.—Any funds appro-  
 25 priated under the authority of this section shall not be

1 used to offset or limit any other appropriations made to  
2 the Service under this Act or the Act of November 2, 1921  
3 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
4 or any other provision of law.

5 “(c) ALLOCATION; USE.—

6 “(1) IN GENERAL.—Funds appropriated under  
7 the authority of this section shall be allocated to  
8 Service Units, Indian Tribes, or Tribal Organiza-  
9 tions. The funds allocated to each Indian Tribe,  
10 Tribal Organization, or Service Unit under this  
11 paragraph shall be used by the Indian Tribe, Tribal  
12 Organization, or Service Unit under this paragraph  
13 to improve the health status and reduce the resource  
14 deficiency of each Indian Tribe served by such Serv-  
15 ice Unit, Indian Tribe, or Tribal Organization.

16 “(2) APPORTIONMENT OF ALLOCATED  
17 FUNDS.—The apportionment of funds allocated to a  
18 Service Unit, Indian Tribe, or Tribal Organization  
19 under paragraph (1) among the health service re-  
20 sponsibilities described in subsection (a)(5) shall be  
21 determined by the Service in consultation with, and  
22 with the active participation of, the affected Indian  
23 Tribes and Tribal Organizations.

1       “(d) PROVISIONS RELATING TO HEALTH STATUS  
2 AND RESOURCE DEFICIENCIES.—For the purposes of this  
3 section, the following definitions apply:

4           “(1) DEFINITION.—The term ‘health status  
5 and resource deficiency’ means the extent to  
6 which—

7               “(A) the health status objectives set forth  
8 in section 3(2) are not being achieved; and

9               “(B) the Indian Tribe or Tribal Organiza-  
10 tion does not have available to it the health re-  
11 sources it needs, taking into account the actual  
12 cost of providing health care services given local  
13 geographic, climatic, rural, or other cir-  
14 cumstances.

15           “(2) AVAILABLE RESOURCES.—The health re-  
16 sources available to an Indian Tribe or Tribal Orga-  
17 nization include health resources provided by the  
18 Service as well as health resources used by the In-  
19 dian Tribe or Tribal Organization, including services  
20 and financing systems provided by any Federal pro-  
21 grams, private insurance, and programs of State or  
22 local governments.

23           “(3) PROCESS FOR REVIEW OF DETERMINA-  
24 TIONS.—The Secretary shall establish procedures  
25 which allow any Indian Tribe or Tribal Organization

1 to petition the Secretary for a review of any deter-  
2 mination of the extent of the health status and re-  
3 source deficiency of such Indian Tribe or Tribal Or-  
4 ganization.

5 “(e) ELIGIBILITY FOR FUNDS.—Tribal Health Pro-  
6 grams shall be eligible for funds appropriated under the  
7 authority of this section on an equal basis with programs  
8 that are administered directly by the Service.

9 “(f) REPORT.—By no later than the date that is 3  
10 years after the date of enactment of the Indian Health  
11 Care Improvement Act Amendments of 2007, the Sec-  
12 retary shall submit to Congress the current health status  
13 and resource deficiency report of the Service for each  
14 Service Unit, including newly recognized or acknowledged  
15 Indian Tribes. Such report shall set out—

16 “(1) the methodology then in use by the Service  
17 for determining Tribal health status and resource  
18 deficiencies, as well as the most recent application of  
19 that methodology;

20 “(2) the extent of the health status and re-  
21 source deficiency of each Indian Tribe served by the  
22 Service or a Tribal Health Program;

23 “(3) the amount of funds necessary to eliminate  
24 the health status and resource deficiencies of all In-

1       dian Tribes served by the Service or a Tribal Health  
2       Program; and

3           “(4) an estimate of—

4               “(A) the amount of health service funds  
5               appropriated under the authority of this Act, or  
6               any other Act, including the amount of any  
7               funds transferred to the Service for the pre-  
8               ceding fiscal year which is allocated to each  
9               Service Unit, Indian Tribe, or Tribal Organiza-  
10              tion;

11             “(B) the number of Indians eligible for  
12             health services in each Service Unit or Indian  
13             Tribe or Tribal Organization; and

14             “(C) the number of Indians using the  
15             Service resources made available to each Service  
16             Unit, Indian Tribe or Tribal Organization, and,  
17             to the extent available, information on the wait-  
18             ing lists and number of Indians turned away for  
19             services due to lack of resources.

20       “(g) INCLUSION IN BASE BUDGET.—Funds appro-  
21       priated under this section for any fiscal year shall be in-  
22       cluded in the base budget of the Service for the purpose  
23       of determining appropriations under this section in subse-  
24       quent fiscal years.



1       “(h) CLARIFICATION.—Nothing in this section is in-  
 2 tended to diminish the primary responsibility of the Serv-  
 3 ice to eliminate existing backlogs in unmet health care  
 4 needs, nor are the provisions of this section intended to  
 5 discourage the Service from undertaking additional efforts  
 6 to achieve equity among Indian Tribes and Tribal Organi-  
 7 zations.

8       “(i) FUNDING DESIGNATION.—Any funds appro-  
 9 priated under the authority of this section shall be des-  
 10 ignated as the ‘Indian Health Care Improvement Fund’.

11   **“SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.**

12       “(a) ESTABLISHMENT.—There is established an In-  
 13 dian Catastrophic Health Emergency Fund (hereafter in  
 14 this section referred to as the ‘CHEF’) consisting of—

15               “(1) the amounts deposited under subsection  
 16               (f); and

17               “(2) the amounts appropriated to CHEF’ under  
 18               this section.

19       “(b) ADMINISTRATION.—CHEF’ shall be adminis-  
 20 tered by the Secretary, acting through the headquarters  
 21 of the Service, solely for the purpose of meeting the ex-  
 22 traordinary medical costs associated with the treatment of  
 23 victims of disasters or catastrophic illnesses who are with-  
 24 in the responsibility of the Service.

1       “(c) CONDITIONS ON USE OF FUND.—No part of  
 2 CHEF or its administration shall be subject to contract  
 3 or grant under any law, including the Indian Self-Deter-  
 4 mination and Education Assistance Act (25 U.S.C. 450  
 5 et seq.), nor shall CHEF funds be allocated, apportioned,  
 6 or delegated on an Area Office, Service Unit, or other  
 7 similar basis.

8       “(d) REGULATIONS.—The Secretary shall promul-  
 9 gate regulations consistent with the provisions of this sec-  
 10 tion to—

11               “(1) establish a definition of disasters and cata-  
 12 strophic illnesses for which the cost of the treatment  
 13 provided under contract would qualify for payment  
 14 from CHEF;

15               “(2) provide that a Service Unit shall not be el-  
 16 igible for reimbursement for the cost of treatment  
 17 from CHEF until its cost of treating any victim of  
 18 such catastrophic illness or disaster has reached a  
 19 certain threshold cost which the Secretary shall es-  
 20 tablish at—

21                       “(A) the 2000 level of \$19,000; and

22                       “(B) for any subsequent year, not less  
 23 than the threshold cost of the previous year in-  
 24 creased by the percentage increase in the med-  
 25 ical care expenditure category of the consumer

1 price index for all urban consumers (United  
2 States city average) for the 12-month period  
3 ending with December of the previous year;

4 “(3) establish a procedure for the reimburse-  
5 ment of the portion of the costs that exceeds such  
6 threshold cost incurred by—

7 “(A) Service Units; or

8 “(B) whenever otherwise authorized by the  
9 Service, non-Service facilities or providers;

10 “(4) establish a procedure for payment from  
11 CHEF in cases in which the exigencies of the med-  
12 ical circumstances warrant treatment prior to the  
13 authorization of such treatment by the Service; and

14 “(5) establish a procedure that will ensure that  
15 no payment shall be made from CHEF to any pro-  
16 vider of treatment to the extent that such provider  
17 is eligible to receive payment for the treatment from  
18 any other Federal, State, local, or private source of  
19 reimbursement for which the patient is eligible.

20 “(e) NO OFFSET OR LIMITATION.—Amounts appro-  
21 priated to CHEF under this section shall not be used to  
22 offset or limit appropriations made to the Service under  
23 the authority of the Act of November 2, 1921 (25 U.S.C.  
24 13) (commonly known as the ‘Snyder Act’), or any other  
25 law.

1       “(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There  
2 shall be deposited into CHEF all reimbursements to which  
3 the Service is entitled from any Federal, State, local, or  
4 private source (including third party insurance) by reason  
5 of treatment rendered to any victim of a disaster or cata-  
6 strophic illness the cost of which was paid from CHEF.

7       **“SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION**  
8                               **SERVICES.**

9       “(a) FINDINGS.—Congress finds that health pro-  
10 motion and disease prevention activities—

11               “(1) improve the health and well-being of Indi-  
12       ans; and

13               “(2) reduce the expenses for health care of In-  
14       dians.

15       “(b) PROVISION OF SERVICES.—The Secretary, act-  
16 ing through the Service and Tribal Health Programs, shall  
17 provide health promotion and disease prevention services  
18 to Indians to achieve the health status objectives set forth  
19 in section 3(2).

20       “(c) EVALUATION.—The Secretary, after obtaining  
21 input from the affected Tribal Health Programs, shall  
22 submit to the President for inclusion in the report which  
23 is required to be submitted to Congress under section 801  
24 an evaluation of—

1           “(1) the health promotion and disease preven-  
2           tion needs of Indians;

3           “(2) the health promotion and disease preven-  
4           tion activities which would best meet such needs;

5           “(3) the internal capacity of the Service and  
6           Tribal Health Programs to meet such needs; and

7           “(4) the resources which would be required to  
8           enable the Service and Tribal Health Programs to  
9           undertake the health promotion and disease preven-  
10          tion activities necessary to meet such needs.

11 **“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CON-**  
12 **TROL.**

13          “(a) DETERMINATIONS REGARDING DIABETES.—  
14 The Secretary, acting through the Service, and in con-  
15 sultation with Indian Tribes and Tribal Organizations,  
16 shall determine—

17           “(1) by Indian Tribe and by Service Unit, the  
18           incidence of, and the types of complications resulting  
19           from, diabetes among Indians; and

20           “(2) based on the determinations made pursu-  
21           ant to paragraph (1), the measures (including pa-  
22           tient education and effective ongoing monitoring of  
23           disease indicators) each Service Unit should take to  
24           reduce the incidence of, and prevent, treat, and con-

1        trol the complications resulting from, diabetes  
2        among Indian Tribes within that Service Unit.

3        “(b) DIABETES SCREENING.—To the extent medi-  
4        cally indicated and with informed consent, the Secretary  
5        shall screen each Indian who receives services from the  
6        Service for diabetes and for conditions which indicate a  
7        high risk that the individual will become diabetic and es-  
8        tablish a cost-effective approach to ensure ongoing moni-  
9        toring of disease indicators. Such screening and moni-  
10       toring may be conducted by a Tribal Health Program and  
11       may be conducted through appropriate Internet-based  
12       health care management programs.

13       “(c) DIABETES PROJECTS.—The Secretary shall con-  
14       tinue to maintain each model diabetes project in existence  
15       on the date of enactment of the Indian Health Care Im-  
16       provement Act Amendments of 2007, any such other dia-  
17       betes programs operated by the Service or Tribal Health  
18       Programs, and any additional diabetes projects, such as  
19       the Medical Vanguard program provided for in title IV  
20       of Public Law 108–87, as implemented to serve Indian  
21       Tribes. Tribal Health Programs shall receive recurring  
22       funding for the diabetes projects that they operate pursu-  
23       ant to this section, both at the date of enactment of the  
24       Indian Health Care Improvement Act Amendments of

1 2007 and for projects which are added and funded there-  
2 after.

3 “(d) DIALYSIS PROGRAMS.—The Secretary is author-  
4 ized to provide, through the Service, Indian Tribes, and  
5 Tribal Organizations, dialysis programs, including the  
6 purchase of dialysis equipment and the provision of nec-  
7 essary staffing.

8 “(e) OTHER DUTIES OF THE SECRETARY.—

9 “(1) IN GENERAL.—The Secretary shall, to the  
10 extent funding is available—

11 “(A) in each Area Office, consult with In-  
12 dian Tribes and Tribal Organizations regarding  
13 programs for the prevention, treatment, and  
14 control of diabetes;

15 “(B) establish in each Area Office a reg-  
16 istry of patients with diabetes to track the inci-  
17 dence of diabetes and the complications from  
18 diabetes in that area; and

19 “(C) ensure that data collected in each  
20 Area Office regarding diabetes and related com-  
21 plications among Indians are disseminated to  
22 all other Area Offices, subject to applicable pa-  
23 tient privacy laws.

24 “(2) DIABETES CONTROL OFFICERS.—

1           “(A) IN GENERAL.—The Secretary may es-  
 2           tablish and maintain in each Area Office a posi-  
 3           tion of diabetes control officer to coordinate and  
 4           manage any activity of that Area Office relating  
 5           to the prevention, treatment, or control of dia-  
 6           betes to assist the Secretary in carrying out a  
 7           program under this section or section 330C of  
 8           the Public Health Service Act (42 U.S.C. 254c–  
 9           3).

10           “(B) CERTAIN ACTIVITIES.—Any activity  
 11           carried out by a diabetes control officer under  
 12           subparagraph (A) that is the subject of a con-  
 13           tract or compact under the Indian Self-Deter-  
 14           mination and Education Assistance Act (25  
 15           U.S.C. 450 et seq.), and any funds made avail-  
 16           able to carry out such an activity, shall not be  
 17           divisible for purposes of that Act.

18 **“SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.**

19           “(a) LONG-TERM CARE.—Notwithstanding any other  
 20           provision of law, the Secretary, acting through the Service,  
 21           is authorized to provide directly, or enter into contracts  
 22           or compacts under the Indian Self-Determination and  
 23           Education Assistance Act (25 U.S.C. 450 et seq.) with  
 24           Indian Tribes or Tribal Organizations for, the delivery of  
 25           long-term care (including health care services associated



1 with long-term care) provided in a facility to Indians. Such  
 2 agreements shall provide for the sharing of staff or other  
 3 services between the Service or a Tribal Health Program  
 4 and a long-term care or related facility owned and oper-  
 5 ated (directly or through a contract or compact under the  
 6 Indian Self-Determination and Education Assistance Act  
 7 (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal  
 8 Organization.

9 “(b) CONTENTS OF AGREEMENTS.—An agreement  
 10 entered into pursuant to subsection (a)—

11 “(1) may, at the request of the Indian Tribe or  
 12 Tribal Organization, delegate to such Indian Tribe  
 13 or Tribal Organization such powers of supervision  
 14 and control over Service employees as the Secretary  
 15 deems necessary to carry out the purposes of this  
 16 section;

17 “(2) shall provide that expenses (including sala-  
 18 ries) relating to services that are shared between the  
 19 Service and the Tribal Health Program be allocated  
 20 proportionately between the Service and the Indian  
 21 Tribe or Tribal Organization; and

22 “(3) may authorize such Indian Tribe or Tribal  
 23 Organization to construct, renovate, or expand a  
 24 long-term care or other similar facility (including the

1 construction of a facility attached to a Service facil-  
2 ity).

3 “(c) MINIMUM REQUIREMENT.—Any nursing facility  
4 provided for under this section shall meet the require-  
5 ments for nursing facilities under section 1919 of the So-  
6 cial Security Act.

7 “(d) OTHER ASSISTANCE.—The Secretary shall pro-  
8 vide such technical and other assistance as may be nec-  
9 essary to enable applicants to comply with the provisions  
10 of this section.

11 “(e) USE OF EXISTING OR UNDERUSED FACILI-  
12 TIES.—The Secretary shall encourage the use of existing  
13 facilities that are underused or allow the use of swing beds  
14 for long-term or similar care.

15 **“SEC. 206. HEALTH SERVICES RESEARCH.**

16 “(a) IN GENERAL.—The Secretary, acting through  
17 the Service, shall make funding available for research to  
18 further the performance of the health service responsibil-  
19 ities of Indian Health Programs.

20 “(b) COORDINATION OF RESOURCES AND ACTIVI-  
21 TIES.—The Secretary shall also, to the maximum extent  
22 practicable, coordinate departmental research resources  
23 and activities to address relevant Indian Health Program  
24 research needs.

1       “(c) AVAILABILITY.—Tribal Health Programs shall  
 2 be given an equal opportunity to compete for, and receive,  
 3 research funds under this section.

4       “(d) USE OF FUNDS.—This funding may be used for  
 5 both clinical and nonclinical research.

6       “(e) EVALUATION AND DISSEMINATION.—The Sec-  
 7 retary shall periodically—

8               “(1) evaluate the impact of research conducted  
 9 under this section; and

10              “(2) disseminate to Tribal Health Programs in-  
 11 formation regarding that research as the Secretary  
 12 determines to be appropriate.

13 **“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREEN-**  
 14 **ING.**

15       “The Secretary, acting through the Service or Tribal  
 16 Health Programs, shall provide for screening as follows:

17              “(1) Screening mammography (as defined in  
 18 section 1861(jj) of the Social Security Act) for In-  
 19 dian women at a frequency appropriate to such  
 20 women under accepted and appropriate national  
 21 standards, and under such terms and conditions as  
 22 are consistent with standards established by the Sec-  
 23 retary to ensure the safety and accuracy of screen-  
 24 ing mammography under part B of title XVIII of  
 25 such Act.

1           “(2) Other cancer screening that receives an A  
 2           or B rating as recommended by the United States  
 3           Preventive Services Task Force established under  
 4           section 915(a)(1) of the Public Health Service Act  
 5           (42 U.S.C. 299b–4(a)(1)). The Secretary shall en-  
 6           sure that screening provided for under this para-  
 7           graph complies with the recommendations of the  
 8           Task Force with respect to—

9                   “(A) frequency;

10                   “(B) the population to be served;

11                   “(C) the procedure or technology to be  
 12           used;

13                   “(D) evidence of effectiveness; and

14                   “(E) other matters that the Secretary de-  
 15           termines appropriate.

16   **“SEC. 208. PATIENT TRAVEL COSTS.**

17           “(a) DEFINITION OF QUALIFIED ESCORT.—In this  
 18           section, the term ‘qualified escort’ means—

19                   “(1) an adult escort (including a parent, guard-  
 20           ian, or other family member) who is required be-  
 21           cause of the physical or mental condition, or age, of  
 22           the applicable patient;

23                   “(2) a health professional for the purpose of  
 24           providing necessary medical care during travel by  
 25           the applicable patient; or

1           “(3) other escorts, as the Secretary or applica-  
2       ble Indian Health Program determines to be appro-  
3       pate.

4       “(b) PROVISION OF FUNDS.—The Secretary, acting  
5       through the Service and Tribal Health Programs, is au-  
6       thorized to provide funds for the following patient travel  
7       costs, including qualified escorts, associated with receiving  
8       health care services provided (either through direct or con-  
9       tract care or through a contract or compact under the In-  
10      dian Self-Determination and Education Assistance Act  
11      (25 U.S.C. 450 et seq.)) under this Act—

12           “(1) emergency air transportation and non-  
13      emergency air transportation where ground trans-  
14      portation is infeasible;

15           “(2) transportation by private vehicle (where no  
16      other means of transportation is available), specially  
17      equipped vehicle, and ambulance; and

18           “(3) transportation by such other means as  
19      may be available and required when air or motor ve-  
20      hicle transportation is not available.

21      **“SEC. 209. EPIDEMIOLOGY CENTERS.**

22           “(a) ESTABLISHMENT OF CENTERS.—The Secretary  
23      shall establish an epidemiology center in each Service Area  
24      to carry out the functions described in subsection (b). Any  
25      new center established after the date of enactment of the

1 Indian Health Care Improvement Act Amendments of  
2 2007 may be operated under a grant authorized by sub-  
3 section (d), but funding under such a grant shall not be  
4 divisible.

5 “(b) FUNCTIONS OF CENTERS.—In consultation with  
6 and upon the request of Indian Tribes, Tribal Organiza-  
7 tions, and Urban Indian Organizations, each Service Area  
8 epidemiology center established under this section shall,  
9 with respect to such Service Area—

10 “(1) collect data relating to, and monitor  
11 progress made toward meeting, each of the health  
12 status objectives of the Service, the Indian Tribes,  
13 Tribal Organizations, and Urban Indian Organiza-  
14 tions in the Service Area;

15 “(2) evaluate existing delivery systems, data  
16 systems, and other systems that impact the improve-  
17 ment of Indian health;

18 “(3) assist Indian Tribes, Tribal Organizations,  
19 and Urban Indian Organizations in identifying their  
20 highest priority health status objectives and the  
21 services needed to achieve such objectives, based on  
22 epidemiological data;

23 “(4) make recommendations for the targeting  
24 of services needed by the populations served;

1           “(5) make recommendations to improve health  
2       care delivery systems for Indians and Urban Indi-  
3       ans;

4           “(6) provide requested technical assistance to  
5       Indian Tribes, Tribal Organizations, and Urban In-  
6       dian Organizations in the development of local  
7       health service priorities and incidence and prevalence  
8       rates of disease and other illness in the community;  
9       and

10          “(7) provide disease surveillance and assist In-  
11       dian Tribes, Tribal Organizations, and Urban Indian  
12       Organizations to promote public health.

13          “(c) TECHNICAL ASSISTANCE.—The Director of the  
14       Centers for Disease Control and Prevention shall provide  
15       technical assistance to the centers in carrying out the re-  
16       quirements of this section.

17          “(d) GRANTS FOR STUDIES.—

18               “(1) IN GENERAL.—The Secretary may make  
19       grants to Indian Tribes, Tribal Organizations,  
20       Urban Indian Organizations, and eligible intertribal  
21       consortia to conduct epidemiological studies of In-  
22       dian communities.

23               “(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An  
24       intertribal consortium is eligible to receive a grant  
25       under this subsection if—

1           “(A) the intertribal consortium is incor-  
2           porated for the primary purpose of improving  
3           Indian health; and

4           “(B) the intertribal consortium is rep-  
5           resentative of the Indian Tribes or urban In-  
6           dian communities in which the intertribal con-  
7           sortium is located.

8           “(3) APPLICATIONS.—An application for a  
9           grant under this subsection shall be submitted in  
10          such manner and at such time as the Secretary shall  
11          prescribe.

12          “(4) REQUIREMENTS.—An applicant for a  
13          grant under this subsection shall—

14               “(A) demonstrate the technical, adminis-  
15               trative, and financial expertise necessary to  
16               carry out the functions described in paragraph  
17               (5);

18               “(B) consult and cooperate with providers  
19               of related health and social services in order to  
20               avoid duplication of existing services; and

21               “(C) demonstrate cooperation from Indian  
22               Tribes or Urban Indian Organizations in the  
23               area to be served.

24          “(5) USE OF FUNDS.—A grant awarded under  
25          paragraph (1) may be used—



1           “(A) to carry out the functions described  
2           in subsection (b);

3           “(B) to provide information to and consult  
4           with tribal leaders, urban Indian community  
5           leaders, and related health staff on health care  
6           and health service management issues; and

7           “(C) in collaboration with Indian Tribes,  
8           Tribal Organizations, and urban Indian com-  
9           munities, to provide the Service with informa-  
10          tion regarding ways to improve the health sta-  
11          tus of Indians.

12       “(e) ACCESS TO INFORMATION.—An epidemiology  
13 center operated by a grantee pursuant to a grant awarded  
14 under subsection (d) shall be treated as a public health  
15 authority for purposes of the Health Insurance Portability  
16 and Accountability Act of 1996 (Public Law 104–191; 110  
17 Stat. 2033), as such entities are defined in part 164.501  
18 of title 45, Code of Federal Regulations (or a successor  
19 regulation). The Secretary shall grant such grantees ac-  
20 cess to and use of data, data sets, monitoring systems,  
21 delivery systems, and other protected health information  
22 in the possession of the Secretary.

1   **“SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION**  
2                   **PROGRAMS.**

3           “(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—  
4   In addition to carrying out any other program for health  
5   promotion or disease prevention, the Secretary, acting  
6   through the Service, is authorized to award grants to In-  
7   dian Tribes, Tribal Organizations, and Urban Indian Or-  
8   ganizations to develop comprehensive school health edu-  
9   cation programs for children from pre-school through  
10  grade 12 in schools for the benefit of Indian and Urban  
11  Indian children.

12          “(b) USE OF GRANT FUNDS.—A grant awarded  
13  under this section may be used for purposes which may  
14  include, but are not limited to, the following:

15               “(1) Developing health education materials both  
16       for regular school programs and afterschool pro-  
17       grams.

18               “(2) Training teachers in comprehensive school  
19       health education materials.

20               “(3) Integrating school-based, community-  
21       based, and other public and private health promotion  
22       efforts.

23               “(4) Encouraging healthy, tobacco-free school  
24       environments.

1           “(5) Coordinating school-based health programs  
2           with existing services and programs available in the  
3           community.

4           “(6) Developing school programs on nutrition  
5           education, personal health, oral health, and fitness.

6           “(7) Developing behavioral health wellness pro-  
7           grams.

8           “(8) Developing chronic disease prevention pro-  
9           grams.

10          “(9) Developing substance abuse prevention  
11          programs.

12          “(10) Developing injury prevention and safety  
13          education programs.

14          “(11) Developing activities for the prevention  
15          and control of communicable diseases.

16          “(12) Developing community and environmental  
17          health education programs that include traditional  
18          health care practitioners.

19          “(13) Violence prevention.

20          “(14) Such other health issues as are appro-  
21          priate.

22          “(c) TECHNICAL ASSISTANCE.—Upon request, the  
23          Secretary, acting through the Service, shall provide tech-  
24          nical assistance to Indian Tribes, Tribal Organizations,  
25          and Urban Indian Organizations in the development of

1 comprehensive health education plans and the dissemina-  
2 tion of comprehensive health education materials and in-  
3 formation on existing health programs and resources.

4 “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
5 PPLICATIONS.—The Secretary, acting through the Service,  
6 and in consultation with Indian Tribes, Tribal Organiza-  
7 tions, and Urban Indian Organizations, shall establish cri-  
8 teria for the review and approval of applications for grants  
9 awarded under this section.

10 “(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED  
11 SCHOOLS.—

12 “(1) IN GENERAL.—The Secretary of the Inte-  
13 rior, acting through the Bureau of Indian Affairs  
14 and in cooperation with the Secretary, acting  
15 through the Service, and affected Indian Tribes and  
16 Tribal Organizations, shall develop a comprehensive  
17 school health education program for children from  
18 preschool through grade 12 in schools for which sup-  
19 port is provided by the Bureau of Indian Affairs.

20 “(2) REQUIREMENTS FOR PROGRAMS.—Such  
21 programs shall include—

22 “(A) school programs on nutrition edu-  
23 cation, personal health, oral health, and fitness;

24 “(B) behavioral health wellness programs;

25 “(C) chronic disease prevention programs;

1           “(D) substance abuse prevention pro-  
2 grams;

3           “(E) injury prevention and safety edu-  
4 cation programs; and

5           “(F) activities for the prevention and con-  
6 trol of communicable diseases.

7           “(3) DUTIES OF THE SECRETARY.—The Sec-  
8 retary of the Interior shall—

9           “(A) provide training to teachers in com-  
10 prehensive school health education materials;

11           “(B) ensure the integration and coordina-  
12 tion of school-based programs with existing  
13 services and health programs available in the  
14 community; and

15           “(C) encourage healthy, tobacco-free school  
16 environments.

17 **“SEC. 211. INDIAN YOUTH PROGRAM.**

18           “(a) PROGRAM AUTHORIZED.—The Secretary, acting  
19 through the Service, is authorized to establish and admin-  
20 ister a program to provide grants to Indian Tribes, Tribal  
21 Organizations, and Urban Indian Organizations for inno-  
22 vative mental and physical disease prevention and health  
23 promotion and treatment programs for Indian and Urban  
24 Indian preadolescent and adolescent youths.

25           “(b) USE OF FUNDS.—

1           “(1) ALLOWABLE USES.—Funds made available  
2 under this section may be used to—

3               “(A) develop prevention and treatment  
4 programs for Indian youth which promote men-  
5 tal and physical health and incorporate cultural  
6 values, community and family involvement, and  
7 traditional health care practitioners; and

8               “(B) develop and provide community train-  
9 ing and education.

10           “(2) PROHIBITED USE.—Funds made available  
11 under this section may not be used to provide serv-  
12 ices described in section 707(c).

13           “(c) DUTIES OF THE SECRETARY.—The Secretary  
14 shall—

15               “(1) disseminate to Indian Tribes, Tribal Orga-  
16 nizations, and Urban Indian Organizations informa-  
17 tion regarding models for the delivery of comprehen-  
18 sive health care services to Indian and Urban Indian  
19 adolescents;

20               “(2) encourage the implementation of such  
21 models; and

22               “(3) at the request of an Indian Tribe, Tribal  
23 Organization, or Urban Indian Organization, provide  
24 technical assistance in the implementation of such  
25 models.

1 “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
2 PPLICATIONS.—The Secretary, in consultation with Indian  
3 Tribes, Tribal Organizations, and Urban Indian Organiza-  
4 tions, shall establish criteria for the review and approval  
5 of applications or proposals under this section.

6 **“SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF**  
7 **COMMUNICABLE AND INFECTIOUS DISEASES.**

8 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
9 through the Service, and after consultation with the Cen-  
10 ters for Disease Control and Prevention, may make grants  
11 available to Indian Tribes, Tribal Organizations, and  
12 Urban Indian Organizations for the following:

13 “(1) Projects for the prevention, control, and  
14 elimination of communicable and infectious diseases,  
15 including tuberculosis, hepatitis, HIV, respiratory  
16 syncytial virus, hanta virus, sexually transmitted dis-  
17 eases, and H. Pylori.

18 “(2) Public information and education pro-  
19 grams for the prevention, control, and elimination of  
20 communicable and infectious diseases.

21 “(3) Education, training, and clinical skills im-  
22 provement activities in the prevention, control, and  
23 elimination of communicable and infectious diseases  
24 for health professionals, including allied health pro-  
25 fessionals.

1           “(4) Demonstration projects for the screening,  
2           treatment, and prevention of hepatitis C virus  
3           (HCV).

4           “(b) APPLICATION REQUIRED.—The Secretary may  
5           provide funding under subsection (a) only if an application  
6           or proposal for funding is submitted to the Secretary.

7           “(c) COORDINATION WITH HEALTH AGENCIES.—In-  
8           dian Tribes, Tribal Organizations, and Urban Indian Or-  
9           ganizations receiving funding under this section are en-  
10          couraged to coordinate their activities with the Centers for  
11          Disease Control and Prevention and State and local health  
12          agencies.

13          “(d) TECHNICAL ASSISTANCE; REPORT.—In carrying  
14          out this section, the Secretary—

15                 “(1) may, at the request of an Indian Tribe,  
16                 Tribal Organization, or Urban Indian Organization,  
17                 provide technical assistance; and

18                 “(2) shall prepare and submit a report to Con-  
19                 gress biennially on the use of funds under this sec-  
20                 tion and on the progress made toward the preven-  
21                 tion, control, and elimination of communicable and  
22                 infectious diseases among Indians and Urban Indi-  
23                 ans.



1 **“SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERV-**  
2 **ICES.**

3 “(a) FUNDING AUTHORIZED.—The Secretary, acting  
4 through the Service, Indian Tribes, and Tribal Organiza-  
5 tions, may provide funding under this Act to meet the ob-  
6 jectives set forth in section 3 of this Act through health  
7 care-related services and programs not otherwise described  
8 in this Act, including—

- 9 “(1) hospice care;  
10 “(2) assisted living;  
11 “(3) long-term care; and  
12 “(4) home- and community-based services.

13 “(b) TERMS AND CONDITIONS.—

14 “(1) IN GENERAL.—Any service provided under  
15 this section shall be in accordance with such terms  
16 and conditions as are consistent with accepted and  
17 appropriate standards relating to the service, includ-  
18 ing any licensing term or condition under this Act.

19 “(2) STANDARDS.—

20 “(A) IN GENERAL.—The Secretary may es-  
21 tablish, by regulation, the standards for a serv-  
22 ice provided under this section, provided that  
23 such standards shall not be more stringent than  
24 the standards required by the State in which  
25 the service is provided.

1           “(B) USE OF STATE STANDARDS.—If the  
2           Secretary does not, by regulation, establish  
3           standards for a service provided under this sec-  
4           tion, the standards required by the State in  
5           which the service is or will be provided shall  
6           apply to such service.

7           “(C) INDIAN TRIBES.—If a service under  
8           this section is provided by an Indian Tribe or  
9           Tribal Organization pursuant to the Indian  
10          Self-Determination and Education Assistance  
11          Act (25 U.S.C. 450 et seq.), the verification by  
12          the Secretary that the service meets any stand-  
13          ards required by the State in which the service  
14          is or will be provided shall be considered to  
15          meet the terms and conditions required under  
16          this subsection.

17          “(3) ELIGIBILITY.—The following individuals  
18          shall be eligible to receive long-term care under this  
19          section:

20                 “(A) Individuals who are unable to per-  
21                 form a certain number of activities of daily liv-  
22                 ing without assistance.

23                 “(B) Individuals with a mental impair-  
24                 ment, such as dementia, Alzheimer’s disease, or  
25                 another disabling mental illness, who may be

1           able to perform activities of daily living under  
2           supervision.

3           “(C) Such other individuals as an applica-  
4           ble Indian Health Program determines to be  
5           appropriate.

6           “(c) DEFINITIONS.—For the purposes of this section,  
7   the following definitions shall apply:

8           “(1) The term ‘home- and community-based  
9           services’ means 1 or more of the services specified  
10          in paragraphs (1) through (9) of section 1929(a) of  
11          the Social Security Act (42 U.S.C. 1396t(a))  
12          (whether provided by the Service or by an Indian  
13          Tribe or Tribal Organization pursuant to the Indian  
14          Self-Determination and Education Assistance Act  
15          (25 U.S.C. 450 et seq.)) that are or will be provided  
16          in accordance with the standards described in sub-  
17          section (b).

18          “(2) The term ‘hospice care’ means the items  
19          and services specified in subparagraphs (A) through  
20          (H) of section 1861(dd)(1) of the Social Security  
21          Act (42 U.S.C. 1395x(dd)(1)), and such other serv-  
22          ices which an Indian Tribe or Tribal Organization  
23          determines are necessary and appropriate to provide  
24          in furtherance of this care.

“(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

**7 “SEC. 214. INDIAN WOMEN’S HEALTH CARE.**

8           “The Secretary, acting through the Service and In-  
9   dian Tribes, Tribal Organizations, and Urban Indian Or-  
10   ganizations, shall monitor and improve the quality of  
11   health care for Indian women of all ages through the plan-  
12   ning and delivery of programs administered by the Service,  
13   in order to improve and enhance the treatment models of  
14   care for Indian women.

15 "SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZ-  
16 ARDS.

“(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource

1 development, petroleum contamination, and contamination  
2 of water source and of the food chain. Such studies shall  
3 include—

4 “(1) an evaluation of the nature and extent of  
5 health problems caused by environmental hazards  
6 currently exhibited among Indians and the causes of  
7 such health problems;

8 “(2) an analysis of the potential effect of ongo-  
9 ing and future environmental resource development  
10 on or near reservations and Indian communities, in-  
11 cluding the cumulative effect over time on health;

12 “(3) an evaluation of the types and nature of  
13 activities, practices, and conditions causing or affect-  
14 ing such health problems, including uranium mining  
15 and milling, uranium mine tailing deposits, nuclear  
16 power plant operation and construction, and nuclear  
17 waste disposal; oil and gas production or transpor-  
18 tation on or near reservations or Indian commu-  
19 nities; and other development that could affect the  
20 health of Indians and their water supply and food  
21 chain;

22 “(4) a summary of any findings and rec-  
23 ommendations provided in Federal and State stud-  
24 ies, reports, investigations, and inspections during  
25 the 5 years prior to the date of enactment of the In-

1       dian Health Care Improvement Act Amendments of  
2       2007 that directly or indirectly relate to the activi-  
3       ties, practices, and conditions affecting the health or  
4       safety of such Indians; and

5               “(5) the efforts that have been made by Federal  
6       and State agencies and resource and economic devel-  
7       opment companies to effectively carry out an edu-  
8       cation program for such Indians regarding the  
9       health and safety hazards of such development.

10       “(b) HEALTH CARE PLANS.—Upon completion of  
11   such studies, the Secretary and the Service shall take into  
12   account the results of such studies and develop health care  
13   plans to address the health problems studied under sub-  
14   section (a). The plans shall include—

15               “(1) methods for diagnosing and treating Indi-  
16   ans currently exhibiting such health problems;

17               “(2) preventive care and testing for Indians  
18   who may be exposed to such health hazards, includ-  
19   ing the monitoring of the health of individuals who  
20   have or may have been exposed to excessive amounts  
21   of radiation or affected by other activities that have  
22   had or could have a serious impact upon the health  
23   of such individuals; and

24               “(3) a program of education for Indians who,  
25   by reason of their work or geographic proximity to

1       such nuclear or other development activities, may ex-  
2       perience health problems.

3       “(c) SUBMISSION OF REPORT AND PLAN TO CON-  
4 GRESS.—The Secretary and the Service shall submit to  
5 Congress the study prepared under subsection (a) no later  
6 than 18 months after the date of enactment of the Indian  
7 Health Care Improvement Act Amendments of 2007. The  
8 health care plan prepared under subsection (b) shall be  
9 submitted in a report no later than 1 year after the study  
10 prepared under subsection (a) is submitted to Congress.  
11 Such report shall include recommended activities for the  
12 implementation of the plan, as well as an evaluation of  
13 any activities previously undertaken by the Service to ad-  
14 dress such health problems.

15       “(d) INTERGOVERNMENTAL TASK FORCE.—

16               “(1) ESTABLISHMENT; MEMBERS.—There is es-  
17       tablished an Intergovernmental Task Force to be  
18       composed of the following individuals (or their des-  
19       ignees):

20                       “(A) The Secretary of Energy.

21                       “(B) The Secretary of the Environmental  
22       Protection Agency.

23                       “(C) The Director of the Bureau of Mines.

24                       “(D) The Assistant Secretary for Occupa-  
25       tional Safety and Health.

1 “(E) The Secretary of the Interior.

2 “(F) The Secretary of Health and Human  
3 Services.

4 “(G) The Assistant Secretary.

5 “(2) DUTIES.—The Task Force shall—

6 “(A) identify existing and potential oper-  
7 ations related to nuclear resource development  
8 or other environmental hazards that affect or  
9 may affect the health of Indians on or near a  
10 reservation or in an Indian community; and

11 “(B) enter into activities to correct exist-  
12 ing health hazards and ensure that current and  
13 future health problems resulting from nuclear  
14 resource or other development activities are  
15 minimized or reduced.

16 “(3) CHAIRMAN; MEETINGS.—The Secretary of  
17 Health and Human Services shall be the Chairman  
18 of the Task Force. The Task Force shall meet at  
19 least twice each year.

20 “(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—

21 In the case of any Indian who—

22 “(1) as a result of employment in or near a  
23 uranium mine or mill or near any other environ-  
24 mental hazard, suffers from a work-related illness or  
25 condition;



1           “(2) is eligible to receive diagnosis and treat-  
2           ment services from an Indian Health Program; and

3           “(3) by reason of such Indian’s employment, is  
4           entitled to medical care at the expense of such mine  
5           or mill operator or entity responsible for the environ-  
6           mental hazard, the Indian Health Program shall, at  
7           the request of such Indian, render appropriate med-  
8           ical care to such Indian for such illness or condition  
9           and may be reimbursed for any medical care so ren-  
10          dered to which such Indian is entitled at the expense  
11          of such operator or entity from such operator or en-  
12          tity. Nothing in this subsection shall affect the  
13          rights of such Indian to recover damages other than  
14          such amounts paid to the Indian Health Program  
15          from the employer for providing medical care for  
16          such illness or condition.

17   **“SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DE-**  
18                           **LIVERY AREA.**

19          “(a) IN GENERAL.—For fiscal years beginning with  
20          the fiscal year ending September 30, 1983, and ending  
21          with the fiscal year ending September 30, 2016, the State  
22          of Arizona shall be designated as a contract health service  
23          delivery area by the Service for the purpose of providing  
24          contract health care services to members of federally rec-  
25          ognized Indian Tribes of Arizona.

1       “(b) MAINTENANCE OF SERVICES.—The Service  
2 shall not curtail any health care services provided to Indi-  
3 ans residing on reservations in the State of Arizona if such  
4 curtailment is due to the provision of contract services in  
5 such State pursuant to the designation of such State as  
6 a contract health service delivery area pursuant to sub-  
7 section (a).

8       **“SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CON-**  
9                   **TRACT HEALTH SERVICE DELIVERY AREA.**

10       “(a) IN GENERAL.—Beginning in fiscal year 2003,  
11 the States of North Dakota and South Dakota shall be  
12 designated as a contract health service delivery area by  
13 the Service for the purpose of providing contract health  
14 care services to members of federally recognized Indian  
15 Tribes of North Dakota and South Dakota.

16       “(b) LIMITATION.—The Service shall not curtail any  
17 health care services provided to Indians residing on any  
18 reservation, or in any county that has a common boundary  
19 with any reservation, in the State of North Dakota or  
20 South Dakota if such curtailment is due to the provision  
21 of contract services in such States pursuant to the des-  
22 ignation of such States as a contract health service deliv-  
23 ery area pursuant to subsection (a).

1   **“SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PRO-**  
2                           **GRAM.**

3           “(a) FUNDING AUTHORIZED.—The Secretary is au-  
4   thorized to fund a program using the California Rural In-  
5   dian Health Board (hereafter in this section referred to  
6   as the ‘CRIHB’) as a contract care intermediary to im-  
7   prove the accessibility of health services to California Indi-  
8   ans.

9           “(b) REIMBURSEMENT CONTRACT.—The Secretary  
10   shall enter into an agreement with the CRIHB to reim-  
11   burse the CRIHB for costs (including reasonable adminis-  
12   trative costs) incurred pursuant to this section, in pro-  
13   viding medical treatment under contract to California In-  
14   dians described in section 806(a) throughout the Cali-  
15   fornia contract health services delivery area described in  
16   section 218 with respect to high cost contract care cases.

17          “(c) ADMINISTRATIVE EXPENSES.—Not more than 5  
18   percent of the amounts provided to the CRIHB under this  
19   section for any fiscal year may be for reimbursement for  
20   administrative expenses incurred by the CRIHB during  
21   such fiscal year.

22          “(d) LIMITATION ON PAYMENT.—No payment may  
23   be made for treatment provided hereunder to the extent  
24   payment may be made for such treatment under the In-  
25   dian Catastrophic Health Emergency Fund described in  
26   section 202 or from amounts appropriated or otherwise

1 made available to the California contract health service de-  
2 livery area for a fiscal year.

3 “(e) ADVISORY BOARD.—There is established an ad-  
4 visory board which shall advise the CRIHB in carrying  
5 out this section. The advisory board shall be composed of  
6 representatives, selected by the CRIHB, from not less  
7 than 8 Tribal Health Programs serving California Indians  
8 covered under this section at least 1/2 of whom of whom  
9 are not affiliated with the CRIHB.

10 **“SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE**  
11 **DELIVERY AREA.**

12 “The State of California, excluding the counties of  
13 Alameda, Contra Costa, Los Angeles, Marin, Orange, Sac-  
14 ramento, San Francisco, San Mateo, Santa Clara, Kern,  
15 Merced, Monterey, Napa, San Benito, San Joaquin, San  
16 Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ven-  
17 tura, shall be designated as a contract health service deliv-  
18 ery area by the Service for the purpose of providing con-  
19 tract health services to California Indians. However, any  
20 of the counties listed herein may only be included in the  
21 contract health services delivery area if funding is specifi-  
22 cally provided by the Service for such services in those  
23 counties.

1 **“SEC. 219. CONTRACT HEALTH SERVICES FOR THE TREN-**  
2 **TON SERVICE AREA.**

3 “(a) AUTHORIZATION FOR SERVICES.—The Sec-  
4 retary, acting through the Service, is directed to provide  
5 contract health services to members of the Turtle Moun-  
6 tain Band of Chippewa Indians that reside in the Trenton  
7 Service Area of Divide, McKenzie, and Williams counties  
8 in the State of North Dakota and the adjoining counties  
9 of Richland, Roosevelt, and Sheridan in the State of Mon-  
10 tana.

11 “(b) NO EXPANSION OF ELIGIBILITY.—Nothing in  
12 this section may be construed as expanding the eligibility  
13 of members of the Turtle Mountain Band of Chippewa In-  
14 dians for health services provided by the Service beyond  
15 the scope of eligibility for such health services that applied  
16 on May 1, 1986.

17 **“SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND**  
18 **TRIBAL ORGANIZATIONS.**

19 “The Service shall provide funds for health care pro-  
20 grams and facilities operated by Tribal Health Programs  
21 on the same basis as such funds are provided to programs  
22 and facilities operated directly by the Service.

23 **“SEC. 221. LICENSING.**

24 “Health care professionals employed by a Tribal  
25 Health Program shall, if licensed in any State, be exempt  
26 from the licensing requirements of the State in which the

1 Tribal Health Program performs the services described in  
2 its contract or compact under the Indian Self-Determina-  
3 tion and Education Assistance Act (25 U.S.C. 450 et  
4 seq.).

5 **“SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY**  
6 **CONTRACT HEALTH SERVICES.**

7 “With respect to an elderly Indian or an Indian with  
8 a disability receiving emergency medical care or services  
9 from a non-Service provider or in a non-Service facility  
10 under the authority of this Act, the time limitation (as  
11 a condition of payment) for notifying the Service of such  
12 treatment or admission shall be 30 days.

13 **“SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.**

14 “(a) DEADLINE FOR RESPONSE.—The Service shall  
15 respond to a notification of a claim by a provider of a  
16 contract care service with either an individual purchase  
17 order or a denial of the claim within 5 working days after  
18 the receipt of such notification.

19 “(b) EFFECT OF UNTIMELY RESPONSE.—If the  
20 Service fails to respond to a notification of a claim in ac-  
21 cordance with subsection (a), the Service shall accept as  
22 valid the claim submitted by the provider of a contract  
23 care service.

1       “(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—

2   The Service shall pay a valid contract care service claim

3   within 30 days after the completion of the claim.

4   **“SEC. 224. LIABILITY FOR PAYMENT.**

5       “(a) NO PATIENT LIABILITY.—A patient who re-

6   ceives contract health care services that are authorized by

7   the Service shall not be liable for the payment of any

8   charges or costs associated with the provision of such serv-

9   ices.

10       “(b) NOTIFICATION.—The Secretary shall notify a

11   contract care provider and any patient who receives con-

12   tract health care services authorized by the Service that

13   such patient is not liable for the payment of any charges

14   or costs associated with the provision of such services not

15   later than 5 business days after receipt of a notification

16   of a claim by a provider of contract care services.

17       “(c) NO RECOURSE.—Following receipt of the notice

18   provided under subsection (b), or, if a claim has been

19   deemed accepted under section 223(b), the provider shall

20   have no further recourse against the patient who received

21   the services.

22   **“SEC. 225. OFFICE OF INDIAN MEN’S HEALTH.**

23       “(a) ESTABLISHMENT.—The Secretary may establish

24   within the Service an office to be known as the ‘Office

1 of Indian Men’s Health’ (referred to in this section as the  
2 ‘Office’).

3 “(b) DIRECTOR.—

4 “(1) IN GENERAL.—The Office shall be headed  
5 by a director, to be appointed by the Secretary.

6 “(2) DUTIES.—The director shall coordinate  
7 and promote the status of the health of Indian men  
8 in the United States.

9 “(c) REPORT.—Not later than 2 years after the date  
10 of enactment of the Indian Health Care Improvement Act  
11 Amendments of 2007, the Secretary, acting through the  
12 director of the Office, shall submit to Congress a report  
13 describing—

14 “(1) any activity carried out by the director as  
15 of the date on which the report is prepared; and

16 “(2) any finding of the director with respect to  
17 the health of Indian men.

18 **“SEC. 226. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated such sums  
20 as may be necessary for each fiscal year through fiscal  
21 year 2017 to carry out this title.



# **“TITLE III—FACILITIES**

## **“SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.**

“(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall—

“(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

“(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

“(b) CLOSURES.—

1           “(1)     EVALUATION     REQUIRED.—Notwith-  
2     standing any other provision of law, no facility oper-  
3     ated by the Service, or any portion of such facility,  
4     may be closed if the Secretary has not submitted to  
5     Congress not less than 1 year, and not more than  
6     2 years, before the date of the proposed closure an  
7     evaluation, completed not more than 2 years before  
8     the submission, of the impact of the proposed clo-  
9     sure that specifies, in addition to other consider-  
10    ations—

11               “(A) the accessibility of alternative health  
12           care resources for the population served by such  
13           facility;

14               “(B) the cost-effectiveness of such closure;

15               “(C) the quality of health care to be pro-  
16           vided to the population served by such facility  
17           after such closure;

18               “(D) the availability of contract health  
19           care funds to maintain existing levels of service;

20               “(E) the views of the Indian Tribes served  
21           by such facility concerning such closure;

22               “(F) the level of use of such facility by all  
23           eligible Indians; and

24               “(G) the distance between such facility and  
25           the nearest operating Service hospital.

1           “(2) EXCEPTION FOR CERTAIN TEMPORARY  
 2 CLOSURES.—Paragraph (1) shall not apply to any  
 3 temporary closure of a facility or any portion of a  
 4 facility if such closure is necessary for medical, envi-  
 5 ronmental, or construction safety reasons.

6           “(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

7           “(1) IN GENERAL.—

8           “(A) PRIORITY SYSTEM.—The Secretary,  
 9 acting through the Service, shall maintain a  
 10 health care facility priority system, which—

11           “(i) shall be developed in consultation  
 12 with Indian Tribes and Tribal Organiza-  
 13 tions;

14           “(ii) shall give Indian Tribes’ needs  
 15 the highest priority;

16           “(iii)(I) may include the lists required  
 17 in paragraph (2)(B)(ii); and

18           “(II) shall include the methodology re-  
 19 quired in paragraph (2)(B)(v); and

20           “(III) may include such other facili-  
 21 ties, and such renovation or expansion  
 22 needs of any health care facility, as the  
 23 Service, Indian Tribes, and Tribal Organi-  
 24 zations may identify; and

1 “(iv) shall provide an opportunity for  
2 the nomination of planning, design, and  
3 construction projects by the Service, In-  
4 dian Tribes, and Tribal Organizations for  
5 consideration under the priority system at  
6 least once every 3 years, or more fre-  
7 quently as the Secretary determines to be  
8 appropriate.

9 “(B) NEEDS OF FACILITIES UNDER  
10 ISDEAA AGREEMENTS.—The Secretary shall en-  
11 sure that the planning, design, construction,  
12 renovation, and expansion needs of Service and  
13 non-Service facilities operated under contracts  
14 or compacts in accordance with the Indian Self-  
15 Determination and Education Assistance Act  
16 (25 U.S.C. 450 et seq.) are fully and equitably  
17 integrated into the health care facility priority  
18 system.

19 “(C) CRITERIA FOR EVALUATING  
20 NEEDS.—For purposes of this subsection, the  
21 Secretary, in evaluating the needs of facilities  
22 operated under a contract or compact under the  
23 Indian Self-Determination and Education As-  
24 sistance Act (25 U.S.C. 450 et seq.), shall use  
25 the criteria used by the Secretary in evaluating

1 the needs of facilities operated directly by the  
2 Service.

3 “(D) PRIORITY OF CERTAIN PROJECTS  
4 PROTECTED.—The priority of any project estab-  
5 lished under the construction priority system in  
6 effect on the date of enactment of the Indian  
7 Health Care Improvement Act Amendments of  
8 2007 shall not be affected by any change in the  
9 construction priority system taking place after  
10 that date if the project—

11 “(i) was identified in the fiscal year  
12 2008 Service budget justification as—

13 “(I) 1 of the 10 top-priority inpa-  
14 tient projects;

15 “(II) 1 of the 10 top-priority out-  
16 patient projects;

17 “(III) 1 of the 10 top-priority  
18 staff quarters developments; or

19 “(IV) 1 of the 10 top-priority  
20 Youth Regional Treatment Centers;

21 “(ii) had completed both Phase I and  
22 Phase II of the construction priority sys-  
23 tem in effect on the date of enactment of  
24 such Act; or

1 “(iii) is not included in clause (i) or  
 2 (ii) and is selected, as determined by the  
 3 Secretary—

4 “(I) on the initiative of the Sec-  
 5 retary; or

6 “(II) pursuant to a request of an  
 7 Indian Tribe or Tribal Organization.

8 “(2) REPORT; CONTENTS.—

9 “(A) INITIAL COMPREHENSIVE REPORT.—

10 “(i) DEFINITIONS.—In this subpara-  
 11 graph:

12 “(I) FACILITIES APPROPRIATION  
 13 ADVISORY BOARD.—The term ‘Facili-  
 14 ties Appropriation Advisory Board’  
 15 means the advisory board, comprised  
 16 of 12 members representing Indian  
 17 tribes and 2 members representing  
 18 the Service, established at the discre-  
 19 tion of the Assistant Secretary—

20 “(aa) to provide advice and  
 21 recommendations for policies and  
 22 procedures of the programs fund-  
 23 ed pursuant to facilities appro-  
 24 priations; and

1 “(bb) to address other facili-  
2 ties issues.

3 “(II) FACILITIES NEEDS ASSESS-  
4 MENT WORKGROUP.—The term ‘Fa-  
5 cilities Needs Assessment Workgroup’  
6 means the workgroup established at  
7 the discretion of the Assistant Sec-  
8 retary—

9 “(aa) to review the health  
10 care facilities construction pri-  
11 ority system; and

12 “(bb) to make recommenda-  
13 tions to the Facilities Appropria-  
14 tion Advisory Board for revising  
15 the priority system.

16 “(ii) INITIAL REPORT.—

17 “(I) IN GENERAL.—Not later  
18 than 1 year after the date of enact-  
19 ment of the Indian Health Care Im-  
20 provement Act Amendments of 2007,  
21 the Secretary shall submit to the  
22 Committee on Indian Affairs of the  
23 Senate and the Committee on Natural  
24 Resources of the House of Represent-  
25 atives a report that describes the com-

1           prehensive, national, ranked list of all  
2           health care facilities needs for the  
3           Service, Indian Tribes, and Tribal Or-  
4           ganizations (including inpatient health  
5           care facilities, outpatient health care  
6           facilities, specialized health care facili-  
7           ties (such as for long-term care and  
8           alcohol and drug abuse treatment),  
9           wellness centers, staff quarters and  
10          hostels associated with health care fa-  
11          cilities, and the renovation and expan-  
12          sion needs, if any, of such facilities)  
13          developed by the Service, Indian  
14          Tribes, and Tribal Organizations for  
15          the Facilities Needs Assessment  
16          Workgroup and the Facilities Appro-  
17          priation Advisory Board.

18               “(II) INCLUSIONS.—The initial  
19          report shall include—

20                   “(aa) the methodology and  
21                   criteria used by the Service in de-  
22                   termining the needs and estab-  
23                   lishing the ranking of the facili-  
24                   ties needs; and



1 “(bb) such other information  
2 as the Secretary determines to be  
3 appropriate.

4 “(iii) UPDATES OF REPORT.—Begin-  
5 ning in calendar year 2011, the Secretary  
6 shall—

7 “(I) update the report under  
8 clause (ii) not less frequently than  
9 once every 5 years; and

10 “(II) include the updated report  
11 in the appropriate annual report  
12 under subparagraph (B) for submis-  
13 sion to Congress under section 801.

14 “(B) ANNUAL REPORTS.—The Secretary  
15 shall submit to the President, for inclusion in  
16 the report required to be transmitted to Con-  
17 gress under section 801, a report which sets  
18 forth the following:

19 “(i) A description of the health care  
20 facility priority system of the Service es-  
21 tablished under paragraph (1).

22 “(ii) Health care facilities lists, which  
23 may include—

24 “(I) the 10 top-priority inpatient  
25 health care facilities;

1 “(II) the 10 top-priority out-  
2 patient health care facilities;

3 “(III) the 10 top-priority special-  
4 ized health care facilities (such as  
5 long-term care and alcohol and drug  
6 abuse treatment);

7 “(IV) the 10 top-priority staff  
8 quarters developments associated with  
9 health care facilities; and

10 “(V) the 10 top-priority hostels  
11 associated with health care facilities.

12 “(iii) The justification for such order  
13 of priority.

14 “(iv) The projected cost of such  
15 projects.

16 “(v) The methodology adopted by the  
17 Service in establishing priorities under its  
18 health care facility priority system.

19 “(3) REQUIREMENTS FOR PREPARATION OF RE-  
20 PORTS.—In preparing the report required under  
21 paragraph (2), the Secretary shall—

22 “(A) consult with and obtain information  
23 on all health care facilities needs from Indian  
24 Tribes, Tribal Organizations, and Urban Indian  
25 Organizations; and

1           “(B) review the total unmet needs of all  
 2           Indian Tribes, Tribal Organizations, and Urban  
 3           Indian Organizations for health care facilities  
 4           (including hostels and staff quarters), including  
 5           needs for renovation and expansion of existing  
 6           facilities.

7           “(d) REVIEW OF METHODOLOGY USED FOR HEALTH  
 8           FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

9           “(1) IN GENERAL.—Not later than 1 year after  
 10          the establishment of the priority system under sub-  
 11          section (c)(1)(A), the Comptroller General of the  
 12          United States shall prepare and finalize a report re-  
 13          viewing the methodologies applied, and the processes  
 14          followed, by the Service in making each assessment  
 15          of needs for the list under subsection (c)(2)(A)(ii)  
 16          and developing the priority system under subsection  
 17          (c)(1), including a review of—

18               “(A) the recommendations of the Facilities  
 19               Appropriation Advisory Board and the Facili-  
 20               ties Needs Assessment Workgroup (as those  
 21               terms are defined in subsection (c)(2)(A)(i));  
 22               and

23               “(B) the relevant criteria used in ranking  
 24               or prioritizing facilities other than hospitals or  
 25               clinics.

1           “(2) SUBMISSION TO CONGRESS.—The Comp-  
2           troller General of the United States shall submit the  
3           report under paragraph (1) to—

4                   “(A) the Committees on Indian Affairs and  
5                   Appropriations of the Senate;

6                   “(B) the Committees on Natural Re-  
7                   sources and Appropriations of the House of  
8                   Representatives; and

9                   “(C) the Secretary.

10          “(e) FUNDING CONDITION.—All funds appropriated  
11          under the Act of November 2, 1921 (25 U.S.C. 13) (com-  
12          monly known as the ‘Snyder Act’), for the planning, de-  
13          sign, construction, or renovation of health facilities for the  
14          benefit of 1 or more Indian Tribes shall be subject to the  
15          provisions of the Indian Self-Determination and Edu-  
16          cation Assistance Act (25 U.S.C. 450 et seq.).

17          “(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—  
18          The Secretary shall consult and cooperate with Indian  
19          Tribes, Tribal Organizations, and Urban Indian Organiza-  
20          tions in developing innovative approaches to address all  
21          or part of the total unmet need for construction of health  
22          facilities, including those provided for in other sections of  
23          this title and other approaches.

24          **“SEC. 302. SANITATION FACILITIES.**

25          “(a) FINDINGS.—Congress finds the following:

1           “(1) The provision of sanitation facilities is pri-  
2           marily a health consideration and function.

3           “(2) Indian people suffer an inordinately high  
4           incidence of disease, injury, and illness directly at-  
5           tributable to the absence or inadequacy of sanitation  
6           facilities.

7           “(3) The long-term cost to the United States of  
8           treating and curing such disease, injury, and illness  
9           is substantially greater than the short-term cost of  
10          providing sanitation facilities and other preventive  
11          health measures.

12          “(4) Many Indian homes and Indian commu-  
13          nities still lack sanitation facilities.

14          “(5) It is in the interest of the United States,  
15          and it is the policy of the United States, that all In-  
16          dian communities and Indian homes, new and exist-  
17          ing, be provided with sanitation facilities.

18          “(b) FACILITIES AND SERVICES.—In furtherance of  
19          the findings made in subsection (a), Congress reaffirms  
20          the primary responsibility and authority of the Service to  
21          provide the necessary sanitation facilities and services as  
22          provided in section 7 of the Act of August 5, 1954 (42  
23          U.S.C. 2004a). Under such authority, the Secretary, act-  
24          ing through the Service, is authorized to provide the fol-  
25          lowing:

1           “(1) Financial and technical assistance to In-  
2       dian Tribes, Tribal Organizations, and Indian com-  
3       munities in the establishment, training, and equip-  
4       ping of utility organizations to operate and maintain  
5       sanitation facilities, including the provision of exist-  
6       ing plans, standard details, and specifications avail-  
7       able in the Department, to be used at the option of  
8       the Indian Tribe, Tribal Organization, or Indian  
9       community.

10           “(2) Ongoing technical assistance and training  
11       to Indian Tribes, Tribal Organizations, and Indian  
12       communities in the management of utility organiza-  
13       tions which operate and maintain sanitation facili-  
14       ties.

15           “(3) Priority funding for operation and mainte-  
16       nance assistance for, and emergency repairs to, sani-  
17       tation facilities operated by an Indian Tribe, Tribal  
18       Organization or Indian community when necessary  
19       to avoid an imminent health threat or to protect the  
20       investment in sanitation facilities and the investment  
21       in the health benefits gained through the provision  
22       of sanitation facilities.

23           “(c) FUNDING.—Notwithstanding any other provi-  
24       sion of law—

1           “(1) the Secretary of Housing and Urban De-  
2       velopment is authorized to transfer funds appro-  
3       priated under the Native American Housing Assist-  
4       ance and Self-Determination Act of 1996 (25 U.S.C.  
5       4101 et seq.) to the Secretary of Health and Human  
6       Services;

7           “(2) the Secretary of Health and Human Serv-  
8       ices is authorized to accept and use such funds for  
9       the purpose of providing sanitation facilities and  
10      services for Indians under section 7 of the Act of  
11      August 5, 1954 (42 U.S.C. 2004a);

12          “(3) unless specifically authorized when funds  
13      are appropriated, the Secretary shall not use funds  
14      appropriated under section 7 of the Act of August  
15      5, 1954 (42 U.S.C. 2004a), to provide sanitation fa-  
16      cilities to new homes constructed using funds pro-  
17      vided by the Department of Housing and Urban De-  
18      velopment;

19          “(4) the Secretary of Health and Human Serv-  
20      ices is authorized to accept from any source, includ-  
21      ing Federal and State agencies, funds for the pur-  
22      pose of providing sanitation facilities and services  
23      and place these funds into contracts or compacts  
24      under the Indian Self-Determination and Education  
25      Assistance Act (25 U.S.C. 450 et seq.);

1           “(5) except as otherwise prohibited by this sec-  
2           tion, the Secretary may use funds appropriated  
3           under the authority of section 7 of the Act of Au-  
4           gust 5, 1954 (42 U.S.C. 2004a), to fund up to 100  
5           percent of the amount of an Indian Tribe’s loan ob-  
6           tained under any Federal program for new projects  
7           to construct eligible sanitation facilities to serve In-  
8           dian homes;

9           “(6) except as otherwise prohibited by this sec-  
10          tion, the Secretary may use funds appropriated  
11          under the authority of section 7 of the Act of Au-  
12          gust 5, 1954 (42 U.S.C. 2004a) to meet matching  
13          or cost participation requirements under other Fed-  
14          eral and non-Federal programs for new projects to  
15          construct eligible sanitation facilities;

16          “(7) all Federal agencies are authorized to  
17          transfer to the Secretary funds identified, granted,  
18          loaned, or appropriated whereby the Department’s  
19          applicable policies, rules, and regulations shall apply  
20          in the implementation of such projects;

21          “(8) the Secretary of Health and Human Serv-  
22          ices shall enter into interagency agreements with  
23          Federal and State agencies for the purpose of pro-  
24          viding financial assistance for sanitation facilities  
25          and services under this Act;



1           “(9) the Secretary of Health and Human Serv-  
2           ices shall, by regulation, establish standards applica-  
3           ble to the planning, design, and construction of sani-  
4           tation facilities funded under this Act; and

5           “(10) the Secretary of Health and Human  
6           Services is authorized to accept payments for goods  
7           and services furnished by the Service from appro-  
8           priate public authorities, nonprofit organizations or  
9           agencies, or Indian Tribes, as contributions by that  
10          authority, organization, agency, or tribe to agree-  
11          ments made under section 7 of the Act of August 5,  
12          1954 (42 U.S.C. 2004a), and such payments shall  
13          be credited to the same or subsequent appropriation  
14          account as funds appropriated under the authority  
15          of section 7 of the Act of August 5, 1954 (42 U.S.C.  
16          2004a).

17          “(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—  
18          The financial and technical capability of an Indian Tribe,  
19          Tribal Organization, or Indian community to safely oper-  
20          ate, manage, and maintain a sanitation facility shall not  
21          be a prerequisite to the provision or construction of sanita-  
22          tion facilities by the Secretary.

23          “(e) FINANCIAL ASSISTANCE.—The Secretary is au-  
24          thorized to provide financial assistance to Indian Tribes,  
25          Tribal Organizations, and Indian communities for oper-

1 ation, management, and maintenance of their sanitation  
2 facilities.

3       “(f) OPERATION, MANAGEMENT, AND MAINTENANCE  
4 OF FACILITIES.—The Indian Tribe has the primary re-  
5 sponsibility to establish, collect, and use reasonable user  
6 fees, or otherwise set aside funding, for the purpose of  
7 operating, managing, and maintaining sanitation facilities.  
8 If a sanitation facility serving a community that is oper-  
9 ated by an Indian Tribe or Tribal Organization is threat-  
10 ened with imminent failure and such operator lacks capac-  
11 ity to maintain the integrity or the health benefits of the  
12 sanitation facility, then the Secretary is authorized to as-  
13 sist the Indian Tribe, Tribal Organization, or Indian com-  
14 munity in the resolution of the problem on a short-term  
15 basis through cooperation with the emergency coordinator  
16 or by providing operation, management, and maintenance  
17 service.

18       “(g) ISDEAA PROGRAM FUNDED ON EQUAL  
19 BASIS.—Tribal Health Programs shall be eligible (on an  
20 equal basis with programs that are administered directly  
21 by the Service) for—

22               “(1) any funds appropriated pursuant to this  
23 section; and

24               “(2) any funds appropriated for the purpose of  
25 providing sanitation facilities.

1 “(h) REPORT.—

2 “(1) REQUIRED; CONTENTS.—The Secretary, in  
3 consultation with the Secretary of Housing and  
4 Urban Development, Indian Tribes, Tribal Organiza-  
5 tions, and tribally designated housing entities (as de-  
6 fined in section 4 of the Native American Housing  
7 Assistance and Self-Determination Act of 1996 (25  
8 U.S.C. 4103)) shall submit to the President, for in-  
9 clusion in the report required to be transmitted to  
10 Congress under section 801, a report which sets  
11 forth—

12 “(A) the current Indian sanitation facility  
13 priority system of the Service;

14 “(B) the methodology for determining  
15 sanitation deficiencies and needs;

16 “(C) the criteria on which the deficiencies  
17 and needs will be evaluated;

18 “(D) the level of initial and final sanitation  
19 deficiency for each type of sanitation facility for  
20 each project of each Indian Tribe or Indian  
21 community;

22 “(E) the amount and most effective use of  
23 funds, derived from whatever source, necessary  
24 to accommodate the sanitation facilities needs  
25 of new homes assisted with funds under the

Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

“(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

“(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

“(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

“(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

1 “(i) complies with all applicable water  
2 supply, pollution control, and solid waste  
3 disposal laws; and

4 “(ii) deficiencies relate to routine re-  
5 placement, repair, or maintenance needs.

6 “(B) A level II deficiency exists if a sanita-  
7 tion facility serving an individual, Indian Tribe,  
8 or Indian community substantially or recently  
9 complied with all applicable water supply, pollu-  
10 tion control, and solid waste laws and any defi-  
11 ciencies relate to—

12 “(i) small or minor capital improve-  
13 ments needed to bring the facility back  
14 into compliance;

15 “(ii) capital improvements that are  
16 necessary to enlarge or improve the facili-  
17 ties in order to meet the current needs for  
18 domestic sanitation facilities; or

19 “(iii) the lack of equipment or train-  
20 ing by an Indian Tribe, Tribal Organiza-  
21 tion, or an Indian community to properly  
22 operate and maintain the sanitation facili-  
23 ties.

24 “(C) A level III deficiency exists if a sani-  
25 tation facility serving an individual, Indian

1 Tribe or Indian community meets 1 or more of  
2 the following conditions—

3 “(i) water or sewer service in the  
4 home is provided by a haul system with  
5 holding tanks and interior plumbing;

6 “(ii) major significant interruptions to  
7 water supply or sewage disposal occur fre-  
8 quently, requiring major capital improve-  
9 ments to correct the deficiencies; or

10 “(iii) there is no access to or no ap-  
11 proved or permitted solid waste facility  
12 available.

13 “(D) A level IV deficiency exists—

14 “(i) if a sanitation facility for an indi-  
15 vidual home, an Indian Tribe, or an Indian  
16 community exists but—

17 “(I) lacks—

18 “(aa) a safe water supply  
19 system; or

20 “(bb) a waste disposal sys-  
21 tem;

22 “(II) contains no piped water or  
23 sewer facilities; or

24 “(III) has become inoperable due  
25 to a major component failure; or

1 “(ii) if only a washeteria or central fa-  
 2 cility exists in the community.

3 “(E) A level V deficiency exists in the ab-  
 4 sence of a sanitation facility, where individual  
 5 homes do not have access to safe drinking  
 6 water or adequate wastewater (including sew-  
 7 age) disposal.

8 “(i) DEFINITIONS.—For purposes of this section, the  
 9 following terms apply:

10 “(1) INDIAN COMMUNITY.—The term ‘Indian  
 11 community’ means a geographic area, a significant  
 12 proportion of whose inhabitants are Indians and  
 13 which is served by or capable of being served by a  
 14 facility described in this section.

15 “(2) SANITATION FACILITIES.—The terms  
 16 ‘sanitation facility’ and ‘sanitation facilities’ mean  
 17 safe and adequate water supply systems, sanitary  
 18 sewage disposal systems, and sanitary solid waste  
 19 systems (and all related equipment and support in-  
 20 frastructure).

21 **“SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

22 “(a) BUY INDIAN ACT.—The Secretary, acting  
 23 through the Service, may use the negotiating authority of  
 24 section 23 of the Act of June 25, 1910 (25 U.S.C. 47,  
 25 commonly known as the ‘Buy Indian Act’), to give pref-

1 erence to any Indian or any enterprise, partnership, cor-  
 2 poration, or other type of business organization owned and  
 3 controlled by an Indian or Indians including former or  
 4 currently federally recognized Indian Tribes in the State  
 5 of New York (hereinafter referred to as an ‘Indian firm’)  
 6 in the construction and renovation of Service facilities pur-  
 7 suant to section 301 and in the construction of sanitation  
 8 facilities pursuant to section 302. Such preference may be  
 9 accorded by the Secretary unless the Secretary finds, pur-  
 10 suant to regulations, that the project or function to be  
 11 contracted for will not be satisfactory or such project or  
 12 function cannot be properly completed or maintained  
 13 under the proposed contract. The Secretary, in arriving  
 14 at such a finding, shall consider whether the Indian or  
 15 Indian firm will be deficient with respect to—

- 16           “(1) ownership and control by Indians;
- 17           “(2) equipment;
- 18           “(3) bookkeeping and accounting procedures;
- 19           “(4) substantive knowledge of the project or
- 20           function to be contracted for;
- 21           “(5) adequately trained personnel; or
- 22           “(6) other necessary components of contract
- 23           performance.
- 24           “(b) LABOR STANDARDS.—



1           “(1) IN GENERAL.—For the purposes of imple-  
2           menting the provisions of this title, contracts for the  
3           construction or renovation of health care facilities,  
4           staff quarters, and sanitation facilities, and related  
5           support infrastructure, funded in whole or in part  
6           with funds made available pursuant to this title,  
7           shall contain a provision requiring compliance with  
8           subchapter IV of chapter 31 of title 40, United  
9           States Code (commonly known as the ‘Davis-Bacon  
10          Act’), unless such construction or renovation—

11                   “(A) is performed by a contractor pursu-  
12                   ant to a contract with an Indian Tribe or Trib-  
13                   al Organization with funds supplied through a  
14                   contract or compact authorized by the Indian  
15                   Self-Determination and Education Assistance  
16                   Act (25 U.S.C. 450 et seq.), or other statutory  
17                   authority; and

18                   “(B) is subject to prevailing wage rates for  
19                   similar construction or renovation in the locality  
20                   as determined by the Indian Tribes or Tribal  
21                   Organizations to be served by the construction  
22                   or renovation.

23           “(2) EXCEPTION.—This subsection shall not  
24           apply to construction or renovation carried out by an

1 Indian Tribe or Tribal Organization with its own  
2 employees.

3 **“SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR**  
4 **RENOVATION.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-  
6 vision of law, if the requirements of subsection (c) are met,  
7 the Secretary, acting through the Service, is authorized  
8 to accept any major expansion, renovation, or moderniza-  
9 tion by any Indian Tribe or Tribal Organization of any  
10 Service facility or of any other Indian health facility oper-  
11 ated pursuant to a contract or compact under the Indian  
12 Self-Determination and Education Assistance Act (25  
13 U.S.C. 450 et seq.), including—

14 “(1) any plans or designs for such expansion,  
15 renovation, or modernization; and

16 “(2) any expansion, renovation, or moderniza-  
17 tion for which funds appropriated under any Federal  
18 law were lawfully expended.

19 “(b) PRIORITY LIST.—

20 “(1) IN GENERAL.—The Secretary shall main-  
21 tain a separate priority list to address the needs for  
22 increased operating expenses, personnel, or equip-  
23 ment for such facilities. The methodology for estab-  
24 lishing priorities shall be developed through regula-  
25 tions. The list of priority facilities will be revised an-

1 nually in consultation with Indian Tribes and Tribal  
2 Organizations.

3 “(2) REPORT.—The Secretary shall submit to  
4 the President, for inclusion in the report required to  
5 be transmitted to Congress under section 801, the  
6 priority list maintained pursuant to paragraph (1).

7 “(c) REQUIREMENTS.—The requirements of this sub-  
8 section are met with respect to any expansion, renovation,  
9 or modernization if—

10 “(1) the Indian Tribe or Tribal Organization—

11 “(A) provides notice to the Secretary of its  
12 intent to expand, renovate, or modernize; and

13 “(B) applies to the Secretary to be placed  
14 on a separate priority list to address the needs  
15 of such new facilities for increased operating ex-  
16 penses, personnel, or equipment; and

17 “(2) the expansion, renovation, or moderniza-  
18 tion—

19 “(A) is approved by the appropriate area  
20 director of the Service for Federal facilities; and

21 “(B) is administered by the Indian Tribe  
22 or Tribal Organization in accordance with any  
23 applicable regulations prescribed by the Sec-  
24 retary with respect to construction or renova-  
25 tion of Service facilities.

1       “(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—

2   In addition to the requirements under subsection (c), for  
3   any expansion, the Indian Tribe or Tribal Organization  
4   shall provide to the Secretary additional information pur-  
5   suant to regulations, including additional staffing, equip-  
6   ment, and other costs associated with the expansion.

7       “(e) CLOSURE OR CONVERSION OF FACILITIES.—If

8   any Service facility which has been expanded, renovated,  
9   or modernized by an Indian Tribe or Tribal Organization  
10   under this section ceases to be used as a Service facility  
11   during the 20-year period beginning on the date such ex-  
12   pansion, renovation, or modernization is completed, such  
13   Indian Tribe or Tribal Organization shall be entitled to  
14   recover from the United States an amount which bears  
15   the same ratio to the value of such facility at the time  
16   of such cessation as the value of such expansion, renova-  
17   tion, or modernization (less the total amount of any funds  
18   provided specifically for such facility under any Federal  
19   program that were expended for such expansion, renova-  
20   tion, or modernization) bore to the value of such facility  
21   at the time of the completion of such expansion, renova-  
22   tion, or modernization.

1 **“SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION,**  
2 **AND MODERNIZATION OF SMALL AMBULA-**  
3 **TORY CARE FACILITIES.**

4 “(a) GRANTS.—

5 “(1) IN GENERAL.—The Secretary, acting  
6 through the Service, shall make grants to Indian  
7 Tribes and Tribal Organizations for the construc-  
8 tion, expansion, or modernization of facilities for the  
9 provision of ambulatory care services to eligible Indi-  
10 ans (and noneligible persons pursuant to subsections  
11 (b)(2) and (c)(1)(C)). A grant made under this sec-  
12 tion may cover up to 100 percent of the costs of  
13 such construction, expansion, or modernization. For  
14 the purposes of this section, the term ‘construction’  
15 includes the replacement of an existing facility.

16 “(2) GRANT AGREEMENT REQUIRED.—A grant  
17 under paragraph (1) may only be made available to  
18 a Tribal Health Program operating an Indian health  
19 facility (other than a facility owned or constructed  
20 by the Service, including a facility originally owned  
21 or constructed by the Service and transferred to an  
22 Indian Tribe or Tribal Organization).

23 “(b) USE OF GRANT FUNDS.—

24 “(1) ALLOWABLE USES.—A grant awarded  
25 under this section may be used for the construction,  
26 expansion, or modernization (including the planning

1 and design of such construction, expansion, or mod-  
2 ernization) of an ambulatory care facility—

3 “(A) located apart from a hospital;

4 “(B) not funded under section 301 or sec-  
5 tion 306; and

6 “(C) which, upon completion of such con-  
7 struction or modernization will—

8 “(i) have a total capacity appropriate  
9 to its projected service population;

10 “(ii) provide annually no fewer than  
11 150 patient visits by eligible Indians and  
12 other users who are eligible for services in  
13 such facility in accordance with section  
14 807(c)(2); and

15 “(iii) provide ambulatory care in a  
16 Service Area (specified in the contract or  
17 compact under the Indian Self-Determina-  
18 tion and Education Assistance Act (25  
19 U.S.C. 450 et seq.)) with a population of  
20 no fewer than 1,500 eligible Indians and  
21 other users who are eligible for services in  
22 such facility in accordance with section  
23 807(c)(2).

24 “(2) ADDITIONAL ALLOWABLE USE.—The Sec-  
25 retary may also reserve a portion of the funding pro-

1 vided under this section and use those reserved  
2 funds to reduce an outstanding debt incurred by In-  
3 dian Tribes or Tribal Organizations for the con-  
4 struction, expansion, or modernization of an ambula-  
5 tory care facility that meets the requirements under  
6 paragraph (1). The provisions of this section shall  
7 apply, except that such applications for funding  
8 under this paragraph shall be considered separately  
9 from applications for funding under paragraph (1).

10 “(3) USE ONLY FOR CERTAIN PORTION OF  
11 COSTS.—A grant provided under this section may be  
12 used only for the cost of that portion of a construc-  
13 tion, expansion, or modernization project that bene-  
14 fits the Service population identified above in sub-  
15 section (b)(1)(C) (ii) and (iii). The requirements of  
16 clauses (ii) and (iii) of paragraph (1)(C) shall not  
17 apply to an Indian Tribe or Tribal Organization ap-  
18 plying for a grant under this section for a health  
19 care facility located or to be constructed on an is-  
20 land or when such facility is not located on a road  
21 system providing direct access to an inpatient hos-  
22 pital where care is available to the Service popu-  
23 lation.

24 “(c) GRANTS.—

1           “(1) APPLICATION.—No grant may be made  
2           under this section unless an application or proposal  
3           for the grant has been approved by the Secretary in  
4           accordance with applicable regulations and has set  
5           forth reasonable assurance by the applicant that, at  
6           all times after the construction, expansion, or mod-  
7           ernization of a facility carried out using a grant re-  
8           ceived under this section—

9                   “(A) adequate financial support will be  
10           available for the provision of services at such  
11           facility;

12                   “(B) such facility will be available to eligi-  
13           ble Indians without regard to ability to pay or  
14           source of payment; and

15                   “(C) such facility will, as feasible without  
16           diminishing the quality or quantity of services  
17           provided to eligible Indians, serve noneligible  
18           persons on a cost basis.

19           “(2) PRIORITY.—In awarding grants under this  
20           section, the Secretary shall give priority to Indian  
21           Tribes and Tribal Organizations that demonstrate—

22                   “(A) a need for increased ambulatory care  
23           services; and

24                   “(B) insufficient capacity to deliver such  
25           services.



1           “(3) PEER REVIEW PANELS.—The Secretary  
2       may provide for the establishment of peer review  
3       panels, as necessary, to review and evaluate applica-  
4       tions and proposals and to advise the Secretary re-  
5       garding such applications using the criteria devel-  
6       oped pursuant to subsection (a)(1).

7       “(d) REVERSION OF FACILITIES.—If any facility (or  
8       portion thereof) with respect to which funds have been  
9       paid under this section, ceases, at any time after comple-  
10      tion of the construction, expansion, or modernization car-  
11      ried out with such funds, to be used for the purposes of  
12      providing health care services to eligible Indians, all of the  
13      right, title, and interest in and to such facility (or portion  
14      thereof) shall transfer to the United States unless other-  
15      wise negotiated by the Service and the Indian Tribe or  
16      Tribal Organization.

17      “(e) FUNDING NONRECURRING.—Funding provided  
18      under this section shall be nonrecurring and shall not be  
19      available for inclusion in any individual Indian Tribe’s  
20      tribal share for an award under the Indian Self-Deter-  
21      mination and Education Assistance Act (25 U.S.C. 450  
22      et seq.) or for reallocation or redesign thereunder.

1   **“SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.**  
2                                   **TION PROJECTS.**

3           “(a) IN GENERAL.—The Secretary, acting through  
4 the Service, is authorized to carry out, or to enter into  
5 contracts under the Indian Self-Determination and Edu-  
6 cation Assistance Act (25 U.S.C. 450 et seq.) with Indian  
7 Tribes or Tribal Organizations to carry out, a health care  
8 delivery demonstration project to test alternative means  
9 of delivering health care and services to Indians through  
10 facilities.

11          “(b) USE OF FUNDS.—The Secretary, in approving  
12 projects pursuant to this section, may authorize such con-  
13 tracts for the construction and renovation of hospitals,  
14 health centers, health stations, and other facilities to de-  
15 liver health care services and is authorized to—

16                   “(1) waive any leasing prohibition;

17                   “(2) permit carryover of funds appropriated for  
18 the provision of health care services;

19                   “(3) permit the use of other available funds;

20                   “(4) permit the use of funds or property do-  
21 nated from any source for project purposes;

22                   “(5) provide for the reversion of donated real or  
23 personal property to the donor; and

24                   “(6) permit the use of Service funds to match  
25 other funds, including Federal funds.

26          “(c) HEALTH CARE DEMONSTRATION PROJECTS.—

1 “(1) GENERAL PROJECTS.—

2 “(A) CRITERIA.—The Secretary may ap-  
3 prove under this section demonstration projects  
4 that meet the following criteria:

5 “(i) There is a need for a new facility  
6 or program, such as a program for conven-  
7 ient care services, or the reorientation of  
8 an existing facility or program.

9 “(ii) A significant number of Indians,  
10 including Indians with low health status,  
11 will be served by the project.

12 “(iii) The project has the potential to  
13 deliver services in an efficient and effective  
14 manner.

15 “(iv) The project is economically via-  
16 ble.

17 “(v) For projects carried out by an  
18 Indian Tribe or Tribal Organization, the  
19 Indian Tribe or Tribal Organization has  
20 the administrative and financial capability  
21 to administer the project.

22 “(vi) The project is integrated with  
23 providers of related health and social serv-  
24 ices and is coordinated with, and avoids

1           duplication of, existing services in order to  
2           expand the availability of services.

3           “(B) PRIORITY.—In approving demonstra-  
4           tion projects under this paragraph, the Sec-  
5           retary shall give priority to demonstration  
6           projects, to the extent the projects meet the cri-  
7           teria described in subparagraph (A), located in  
8           any of the following Service Units:

9                   “(i) Cass Lake, Minnesota.

10                   “(ii) Mescalero, New Mexico.

11                   “(iii) Owyhee, Nevada.

12                   “(iv) Schurz, Nevada.

13                   “(v) Ft. Yuma, California.

14           “(2) CONVENIENT CARE SERVICE PROJECTS.—

15           “(A) DEFINITION OF CONVENIENT CARE  
16           SERVICE.—In this paragraph, the term ‘conven-  
17           ient care service’ means any primary health  
18           care service, such as urgent care services, non-  
19           emergent care services, prevention services and  
20           screenings, and any service authorized by sec-  
21           tions 203 or 213(d), that is—

22                   “(i) provided outside the regular  
23                   hours of operation of a health care facility;

24                   or

25                   “(ii) offered at an alternative setting.

1           “(B) APPROVAL.—In addition to projects  
2           described in paragraph (1), in any fiscal year,  
3           the Secretary is authorized to approve not more  
4           than 10 applications for health care delivery  
5           demonstration projects that—

6                   “(i) include a convenient care services  
7                   program as an alternative means of deliv-  
8                   ering health care services to Indians; and

9                   “(ii) meet the criteria described in  
10                  subparagraph (C).

11           “(C) CRITERIA.—The Secretary shall ap-  
12           prove under subparagraph (B) demonstration  
13           projects that meet all of the following criteria:

14                   “(i) The criteria set forth in para-  
15                   graph (1)(A).

16                   “(ii) There is a lack of access to  
17                   health care services at existing health care  
18                   facilities, which may be due to limited  
19                   hours of operation at those facilities or  
20                   other factors.

21                   “(iii) The project—

22                           “(I) expands the availability of  
23                           services; or

24                           “(II) reduces—

1                   “(aa) the burden on Con-  
2                   tract Health Services; or

3                   “(bb) the need for emer-  
4                   gency room visits.

5           “(d) PEER REVIEW PANELS.—The Secretary may  
6 provide for the establishment of peer review panels, as nec-  
7 essary, to review and evaluate applications using the cri-  
8 teria described in paragraphs (1)(A) and (2)(C) of sub-  
9 section (c).

10          “(e) TECHNICAL ASSISTANCE.—The Secretary shall  
11 provide such technical and other assistance as may be nec-  
12 essary to enable applicants to comply with this section.

13          “(f) SERVICE TO INELIGIBLE PERSONS.—Subject to  
14 section 807, the authority to provide services to persons  
15 otherwise ineligible for the health care benefits of the  
16 Service, and the authority to extend hospital privileges in  
17 Service facilities to non-Service health practitioners as  
18 provided in section 807, may be included, subject to the  
19 terms of that section, in any demonstration project ap-  
20 proved pursuant to this section.

21          “(g) EQUITABLE TREATMENT.—For purposes of  
22 subsection (c), the Secretary, in evaluating facilities oper-  
23 ated under any contract or compact under the Indian Self-  
24 Determination and Education Assistance Act (25 U.S.C.  
25 450 et seq.), shall use the same criteria that the Secretary

1 uses in evaluating facilities operated directly by the Serv-  
2 ice.

3 “(h) EQUITABLE INTEGRATION OF FACILITIES.—  
4 The Secretary shall ensure that the planning, design, con-  
5 struction, renovation, and expansion needs of Service and  
6 non-Service facilities that are the subject of a contract or  
7 compact under the Indian Self-Determination and Edu-  
8 cation Assistance Act (25 U.S.C. 450 et seq.) for health  
9 services are fully and equitably integrated into the imple-  
10 mentation of the health care delivery demonstration  
11 projects under this section.

12 **“SEC. 307. LAND TRANSFER.**

13 “Notwithstanding any other provision of law, the Bu-  
14 reau of Indian Affairs and all other agencies and depart-  
15 ments of the United States are authorized to transfer, at  
16 no cost, land and improvements to the Service for the pro-  
17 vision of health care services. The Secretary is authorized  
18 to accept such land and improvements for such purposes.

19 **“SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.**

20 “The Secretary, acting through the Service, may  
21 enter into leases, contracts, and other agreements with In-  
22 dian Tribes and Tribal Organizations which hold (1) title  
23 to, (2) a leasehold interest in, or (3) a beneficial interest  
24 in (when title is held by the United States in trust for  
25 the benefit of an Indian Tribe) facilities used or to be used

1 for the administration and delivery of health services by  
2 an Indian Health Program. Such leases, contracts, or  
3 agreements may include provisions for construction or ren-  
4 ovation and provide for compensation to the Indian Tribe  
5 or Tribal Organization of rental and other costs consistent  
6 with section 105(l) of the Indian Self-Determination and  
7 Education Assistance Act (25 U.S.C. 450j(l)) and regula-  
8 tions thereunder.

9 **“SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND**  
10 **LOAN REPAYMENT.**

11 “(a) IN GENERAL.—The Secretary, in consultation  
12 with the Secretary of the Treasury, Indian Tribes, and  
13 Tribal Organizations, shall carry out a study to determine  
14 the feasibility of establishing a loan fund to provide to In-  
15 dian Tribes and Tribal Organizations direct loans or guar-  
16 antees for loans for the construction of health care facili-  
17 ties, including—

18 “(1) inpatient facilities;

19 “(2) outpatient facilities;

20 “(3) staff quarters;

21 “(4) hostels; and

22 “(5) specialized care facilities, such as behav-  
23 ioral health and elder care facilities.

24 “(b) DETERMINATIONS.—In carrying out the study  
25 under subsection (a), the Secretary shall determine—



1           “(1) the maximum principal amount of a loan  
2           or loan guarantee that should be offered to a recipi-  
3           ent from the loan fund;

4           “(2) the percentage of eligible costs, not to ex-  
5           ceed 100 percent, that may be covered by a loan or  
6           loan guarantee from the loan fund (including costs  
7           relating to planning, design, financing, site land de-  
8           velopment, construction, rehabilitation, renovation,  
9           conversion, improvements, medical equipment and  
10          furnishings, and other facility-related costs and cap-  
11          ital purchase (but excluding staffing));

12          “(3) the cumulative total of the principal of di-  
13          rect loans and loan guarantees, respectively, that  
14          may be outstanding at any 1 time;

15          “(4) the maximum term of a loan or loan guar-  
16          antee that may be made for a facility from the loan  
17          fund;

18          “(5) the maximum percentage of funds from  
19          the loan fund that should be allocated for payment  
20          of costs associated with planning and applying for a  
21          loan or loan guarantee;

22          “(6) whether acceptance by the Secretary of an  
23          assignment of the revenue of an Indian Tribe or  
24          Tribal Organization as security for any direct loan

1 or loan guarantee from the loan fund would be ap-  
2 propriate;

3 “(7) whether, in the planning and design of  
4 health facilities under this section, users eligible  
5 under section 807(c) may be included in any projec-  
6 tion of patient population;

7 “(8) whether funds of the Service provided  
8 through loans or loan guarantees from the loan fund  
9 should be eligible for use in matching other Federal  
10 funds under other programs;

11 “(9) the appropriateness of, and best methods  
12 for, coordinating the loan fund with the health care  
13 priority system of the Service under section 301; and

14 “(10) any legislative or regulatory changes re-  
15 quired to implement recommendations of the Sec-  
16 retary based on results of the study.

17 “(c) REPORT.—Not later than September 30, 2009,  
18 the Secretary shall submit to the Committee on Indian Af-  
19 fairs of the Senate and the Committee on Natural Re-  
20 sources and the Committee on Energy and Commerce of  
21 the House of Representatives a report that describes—

22 “(1) the manner of consultation made as re-  
23 quired by subsection (a); and

1           “(2) the results of the study, including any rec-  
2           ommendations of the Secretary based on results of  
3           the study.

4   **“SEC. 310. TRIBAL LEASING.**

5           “A Tribal Health Program may lease permanent  
6           structures for the purpose of providing health care services  
7           without obtaining advance approval in appropriation Acts.

8   **“SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES**  
9                           **JOINT VENTURE PROGRAM.**

10          “(a) IN GENERAL.—The Secretary, acting through  
11          the Service, shall make arrangements with Indian Tribes  
12          and Tribal Organizations to establish joint venture dem-  
13          onstration projects under which an Indian Tribe or Tribal  
14          Organization shall expend tribal, private, or other avail-  
15          able funds, for the acquisition or construction of a health  
16          facility for a minimum of 10 years, under a no-cost lease,  
17          in exchange for agreement by the Service to provide the  
18          equipment, supplies, and staffing for the operation and  
19          maintenance of such a health facility. An Indian Tribe or  
20          Tribal Organization may use tribal funds, private sector,  
21          or other available resources, including loan guarantees, to  
22          fulfill its commitment under a joint venture entered into  
23          under this subsection. An Indian Tribe or Tribal Organi-  
24          zation shall be eligible to establish a joint venture project  
25          if, when it submits a letter of intent, it—

1           “(1) has begun but not completed the process  
2           of acquisition or construction of a health facility to  
3           be used in the joint venture project; or

4           “(2) has not begun the process of acquisition or  
5           construction of a health facility for use in the joint  
6           venture project.

7           “(b) REQUIREMENTS.—The Secretary shall make  
8           such an arrangement with an Indian Tribe or Tribal Orga-  
9           nization only if—

10           “(1) the Secretary first determines that the In-  
11           dian Tribe or Tribal Organization has the adminis-  
12           trative and financial capabilities necessary to com-  
13           plete the timely acquisition or construction of the  
14           relevant health facility; and

15           “(2) the Indian Tribe or Tribal Organization  
16           meets the need criteria determined using the criteria  
17           developed under the health care facility priority sys-  
18           tem under section 301, unless the Secretary deter-  
19           mines, pursuant to regulations, that other criteria  
20           will result in a more cost-effective and efficient  
21           method of facilitating and completing construction of  
22           health care facilities.

23           “(c) CONTINUED OPERATION.—The Secretary shall  
24           negotiate an agreement with the Indian Tribe or Tribal

1 Organization regarding the continued operation of the fa-  
2 cility at the end of the initial 10 year no-cost lease period.

3 “(d) BREACH OF AGREEMENT.—An Indian Tribe or  
4 Tribal Organization that has entered into a written agree-  
5 ment with the Secretary under this section, and that  
6 breaches or terminates without cause such agreement,  
7 shall be liable to the United States for the amount that  
8 has been paid to the Indian Tribe or Tribal Organization,  
9 or paid to a third party on the Indian Tribe’s or Tribal  
10 Organization’s behalf, under the agreement. The Sec-  
11 retary has the right to recover tangible property (including  
12 supplies) and equipment, less depreciation, and any funds  
13 expended for operations and maintenance under this sec-  
14 tion. The preceding sentence does not apply to any funds  
15 expended for the delivery of health care services, per-  
16 sonnel, or staffing.

17 “(e) RECOVERY FOR NONUSE.—An Indian Tribe or  
18 Tribal Organization that has entered into a written agree-  
19 ment with the Secretary under this subsection shall be en-  
20 titled to recover from the United States an amount that  
21 is proportional to the value of such facility if, at any time  
22 within the 10-year term of the agreement, the Service  
23 ceases to use the facility or otherwise breaches the agree-  
24 ment.

1       “(f) DEFINITION.—For the purposes of this section,  
 2 the term ‘health facility’ or ‘health facilities’ includes  
 3 quarters needed to provide housing for staff of the rel-  
 4 evant Tribal Health Program.

5       **“SEC. 312. LOCATION OF FACILITIES.**

6       “(a) IN GENERAL.—In all matters involving the reor-  
 7 ganization or development of Service facilities or in the  
 8 establishment of related employment projects to address  
 9 unemployment conditions in economically depressed areas,  
 10 the Bureau of Indian Affairs and the Service shall give  
 11 priority to locating such facilities and projects on Indian  
 12 lands, or lands in Alaska owned by any Alaska Native vil-  
 13 lage, or village or regional corporation under the Alaska  
 14 Native Claims Settlement Act (43 U.S.C. 1601 et seq.),  
 15 or any land allotted to any Alaska Native, if requested  
 16 by the Indian owner and the Indian Tribe with jurisdiction  
 17 over such lands or other lands owned or leased by the In-  
 18 dian Tribe or Tribal Organization. Top priority shall be  
 19 given to Indian land owned by 1 or more Indian Tribes.

20       “(b) DEFINITION.—For purposes of this section, the  
 21 term ‘Indian lands’ means—

22               “(1) all lands within the exterior boundaries of  
 23 any reservation; and

24               “(2) any lands title to which is held in trust by  
 25 the United States for the benefit of any Indian

1 Tribe or individual Indian or held by any Indian  
2 Tribe or individual Indian subject to restriction by  
3 the United States against alienation.

4 **“SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH**  
5 **CARE FACILITIES.**

6 “(a) REPORT.—The Secretary shall submit to the  
7 President, for inclusion in the report required to be trans-  
8 mitted to Congress under section 801, a report which iden-  
9 tifies the backlog of maintenance and repair work required  
10 at both Service and tribal health care facilities, including  
11 new health care facilities expected to be in operation in  
12 the next fiscal year. The report shall also identify the need  
13 for renovation and expansion of existing facilities to sup-  
14 port the growth of health care programs.

15 “(b) MAINTENANCE OF NEWLY CONSTRUCTED  
16 SPACE.—The Secretary, acting through the Service, is au-  
17 thorized to expend maintenance and improvement funds  
18 to support maintenance of newly constructed space only  
19 if such space falls within the approved supportable space  
20 allocation for the Indian Tribe or Tribal Organization.  
21 Supportable space allocation shall be defined through the  
22 health care facility priority system under section 301(c).

23 “(c) REPLACEMENT FACILITIES.—In addition to  
24 using maintenance and improvement funds for renovation,  
25 modernization, and expansion of facilities, an Indian Tribe

1 or Tribal Organization may use maintenance and improve-  
 2 ment funds for construction of a replacement facility if  
 3 the costs of renovation of such facility would exceed a  
 4 maximum renovation cost threshold. The maximum ren-  
 5 ovation cost threshold shall be determined through the ne-  
 6 gotiated rulemaking process provided for under section  
 7 802.

8 **“SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED**  
 9 **QUARTERS.**

10 “(a) RENTAL RATES.—

11 “(1) ESTABLISHMENT.—Notwithstanding any  
 12 other provision of law, a Tribal Health Program  
 13 which operates a hospital or other health facility and  
 14 the federally-owned quarters associated therewith  
 15 pursuant to a contract or compact under the Indian  
 16 Self-Determination and Education Assistance Act  
 17 (25 U.S.C. 450 et seq.) shall have the authority to  
 18 establish the rental rates charged to the occupants  
 19 of such quarters by providing notice to the Secretary  
 20 of its election to exercise such authority.

21 “(2) OBJECTIVES.—In establishing rental rates  
 22 pursuant to authority of this subsection, a Tribal  
 23 Health Program shall endeavor to achieve the fol-  
 24 lowing objectives:



1           “(A) To base such rental rates on the rea-  
2           sonable value of the quarters to the occupants  
3           thereof.

4           “(B) To generate sufficient funds to pru-  
5           dently provide for the operation and mainte-  
6           nance of the quarters, and subject to the discre-  
7           tion of the Tribal Health Program, to supply  
8           reserve funds for capital repairs and replace-  
9           ment of the quarters.

10          “(3) EQUITABLE FUNDING.—Any quarters  
11          whose rental rates are established by a Tribal  
12          Health Program pursuant to this subsection shall  
13          remain eligible for quarters improvement and repair  
14          funds to the same extent as all federally-owned quar-  
15          ters used to house personnel in Services-supported  
16          programs.

17          “(4) NOTICE OF RATE CHANGE.—A Tribal  
18          Health Program which exercises the authority pro-  
19          vided under this subsection shall provide occupants  
20          with no less than 60 days notice of any change in  
21          rental rates.

22          “(b) DIRECT COLLECTION OF RENT.—

23               “(1) IN GENERAL.—Notwithstanding any other  
24               provision of law, and subject to paragraph (2), a  
25               Tribal Health Program shall have the authority to

1 collect rents directly from Federal employees who oc-  
2 cupy such quarters in accordance with the following:

3 “(A) The Tribal Health Program shall no-  
4 tify the Secretary and the subject Federal em-  
5 ployees of its election to exercise its authority  
6 to collect rents directly from such Federal em-  
7 ployees.

8 “(B) Upon receipt of a notice described in  
9 subparagraph (A), the Federal employees shall  
10 pay rents for occupancy of such quarters di-  
11 rectly to the Tribal Health Program and the  
12 Secretary shall have no further authority to col-  
13 lect rents from such employees through payroll  
14 deduction or otherwise.

15 “(C) Such rent payments shall be retained  
16 by the Tribal Health Program and shall not be  
17 made payable to or otherwise be deposited with  
18 the United States.

19 “(D) Such rent payments shall be depos-  
20 ited into a separate account which shall be used  
21 by the Tribal Health Program for the mainte-  
22 nance (including capital repairs and replace-  
23 ment) and operation of the quarters and facili-  
24 ties as the Tribal Health Program shall deter-  
25 mine.

1           “(2) RETROCESSION OF AUTHORITY.—If a  
 2           Tribal Health Program which has made an election  
 3           under paragraph (1) requests retrocession of its au-  
 4           thority to directly collect rents from Federal employ-  
 5           ees occupying federally-owned quarters, such ret-  
 6           rocession shall become effective on the earlier of—

7                   “(A) the first day of the month that begins  
 8                   no less than 180 days after the Tribal Health  
 9                   Program notifies the Secretary of its desire to  
 10                  retrocede; or

11                   “(B) such other date as may be mutually  
 12                   agreed by the Secretary and the Tribal Health  
 13                  Program.

14           “(c) RATES IN ALASKA.—To the extent that a Tribal  
 15           Health Program, pursuant to authority granted in sub-  
 16           section (a), establishes rental rates for federally-owned  
 17           quarters provided to a Federal employee in Alaska, such  
 18           rents may be based on the cost of comparable private rent-  
 19           al housing in the nearest established community with a  
 20           year-round population of 1,500 or more individuals.

21           **“SEC. 315. APPLICABILITY OF BUY AMERICAN ACT RE-**  
 22                   **QUIREMENT.**

23           “(a) APPLICABILITY.—The Secretary shall ensure  
 24           that the requirements of the Buy American Act apply to  
 25           all procurements made with funds provided pursuant to

1 section 317. Indian Tribes and Tribal Organizations shall  
2 be exempt from these requirements.

3 “(b) EFFECT OF VIOLATION.—If it has been finally  
4 determined by a court or Federal agency that any person  
5 intentionally affixed a label bearing a ‘Made in America’  
6 inscription or any inscription with the same meaning, to  
7 any product sold in or shipped to the United States that  
8 is not made in the United States, such person shall be  
9 ineligible to receive any contract or subcontract made with  
10 funds provided pursuant to section 317, pursuant to the  
11 debarment, suspension, and ineligibility procedures de-  
12 scribed in sections 9.400 through 9.409 of title 48, Code  
13 of Federal Regulations.

14 “(c) DEFINITIONS.—For purposes of this section, the  
15 term ‘Buy American Act’ means title III of the Act enti-  
16 tled ‘An Act making appropriations for the Treasury and  
17 Post Office Departments for the fiscal year ending June  
18 30, 1934, and for other purposes’, approved March 3,  
19 1933 (41 U.S.C. 10a et seq.).

20 **“SEC. 316. OTHER FUNDING FOR FACILITIES.**

21 “(a) AUTHORITY TO ACCEPT FUNDS.—The Sec-  
22 retary is authorized to accept from any source, including  
23 Federal and State agencies, funds that are available for  
24 the construction of health care facilities and use such  
25 funds to plan, design, and construct health care facilities

1 for Indians and to place such funds into a contract or com-  
2 pact under the Indian Self-Determination and Education  
3 Assistance Act (25 U.S.C. 450 et seq.). Receipt of such  
4 funds shall have no effect on the priorities established pur-  
5 suant to section 301.

6 “(b) INTERAGENCY AGREEMENTS.—The Secretary is  
7 authorized to enter into interagency agreements with  
8 other Federal agencies or State agencies and other entities  
9 and to accept funds from such Federal or State agencies  
10 or other sources to provide for the planning, design, and  
11 construction of health care facilities to be administered by  
12 Indian Health Programs in order to carry out the pur-  
13 poses of this Act and the purposes for which the funds  
14 were appropriated or for which the funds were otherwise  
15 provided.

16 “(c) ESTABLISHMENT OF STANDARDS.—The Sec-  
17 retary, through the Service, shall establish standards by  
18 regulation for the planning, design, and construction of  
19 health care facilities serving Indians under this Act.

20 **“SEC. 317. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated such sums  
22 as may be necessary for each fiscal year through fiscal  
23 year 2017 to carry out this title.

1   **“TITLE IV—ACCESS TO HEALTH**  
2                   **SERVICES**

3   **“SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SE-**  
4                   **CURITY ACT HEALTH BENEFITS PROGRAMS.**

5       “(a) DISREGARD OF MEDICARE, MEDICAID, AND  
6   SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—  
7   Any payments received by an Indian Health Program or  
8   by an Urban Indian Organization under title XVIII, XIX,  
9   or XXI of the Social Security Act for services provided  
10  to Indians eligible for benefits under such respective titles  
11  shall not be considered in determining appropriations for  
12  the provision of health care and services to Indians.

13       “(b) NONPREFERENTIAL TREATMENT.—Nothing in  
14  this Act authorizes the Secretary to provide services to an  
15  Indian with coverage under title XVIII, XIX, or XXI of  
16  the Social Security Act in preference to an Indian without  
17  such coverage.

18       “(c) USE OF FUNDS.—

19               “(1) SPECIAL FUND.—

20                       “(A) 100 PERCENT PASS-THROUGH OF  
21                   PAYMENTS DUE TO FACILITIES.—Notwith-  
22                   standing any other provision of law, but subject  
23                   to paragraph (2), payments to which a facility  
24                   of the Service is entitled by reason of a provi-  
25                   sion of the Social Security Act shall be placed

1 in a special fund to be held by the Secretary.  
2 In making payments from such fund, the Sec-  
3 retary shall ensure that each Service Unit of  
4 the Service receives 100 percent of the amount  
5 to which the facilities of the Service, for which  
6 such Service Unit makes collections, are enti-  
7 tled by reason of a provision of the Social Secu-  
8 rity Act.

9 “(B) USE OF FUNDS.—Amounts received  
10 by a facility of the Service under subparagraph  
11 (A) shall first be used (to such extent or in  
12 such amounts as are provided in appropriation  
13 Acts) for the purpose of making any improve-  
14 ments in the programs of the Service operated  
15 by or through such facility which may be nec-  
16 essary to achieve or maintain compliance with  
17 the applicable conditions and requirements of  
18 titles XVIII and XIX of the Social Security  
19 Act. Any amounts so received that are in excess  
20 of the amount necessary to achieve or maintain  
21 such conditions and requirements shall, subject  
22 to consultation with the Indian Tribes being  
23 served by the Service Unit, be used for reducing  
24 the health resource deficiencies (as determined  
25 under section 201(d)) of such Indian Tribes.

1           “(2) DIRECT PAYMENT OPTION.—Paragraph  
 2           (1) shall not apply to a Tribal Health Program upon  
 3           the election of such Program under subsection (d) to  
 4           receive payments directly. No payment may be made  
 5           out of the special fund described in such paragraph  
 6           with respect to reimbursement made for services  
 7           provided by such Program during the period of such  
 8           election.

9           “(d) DIRECT BILLING.—

10           “(1) IN GENERAL.—Subject to complying with  
 11           the requirements of paragraph (2), a Tribal Health  
 12           Program may elect to directly bill for, and receive  
 13           payment for, health care items and services provided  
 14           by such Program for which payment is made under  
 15           title XVIII or XIX of the Social Security Act or  
 16           from any other third party payor.

17           “(2) DIRECT REIMBURSEMENT.—

18           “(A) USE OF FUNDS.—Each Tribal Health  
 19           Program making the election described in para-  
 20           graph (1) with respect to a program under a  
 21           title of the Social Security Act shall be reim-  
 22           bursed directly by that program for items and  
 23           services furnished without regard to subsection  
 24           (c)(1), but all amounts so reimbursed shall be  
 25           used by the Tribal Health Program for the pur-



1 pose of making any improvements in facilities  
2 of the Tribal Health Program that may be nec-  
3 essary to achieve or maintain compliance with  
4 the conditions and requirements applicable gen-  
5 erally to such items and services under the pro-  
6 gram under such title and to provide additional  
7 health care services, improvements in health  
8 care facilities and Tribal Health Programs, any  
9 health care related purpose, or otherwise to  
10 achieve the objectives provided in section 3 of  
11 this Act.

12 “(B) AUDITS.—The amounts paid to a  
13 Tribal Health Program making the election de-  
14 scribed in paragraph (1) with respect to a pro-  
15 gram under a title of the Social Security Act  
16 shall be subject to all auditing requirements ap-  
17 plicable to the program under such title, as well  
18 as all auditing requirements applicable to pro-  
19 grams administered by an Indian Health Pro-  
20 gram. Nothing in the preceding sentence shall  
21 be construed as limiting the application of au-  
22 diting requirements applicable to amounts paid  
23 under title XVIII, XIX, or XXI of the Social  
24 Security Act.

1           “(C) IDENTIFICATION OF SOURCE OF PAY-  
2           MENTS.—Any Tribal Health Program that re-  
3           ceives reimbursements or payments under title  
4           XVIII, XIX, or XXI of the Social Security Act,  
5           shall provide to the Service a list of each pro-  
6           vider enrollment number (or other identifier)  
7           under which such Program receives such reim-  
8           bursements or payments.

9           “(3) EXAMINATION AND IMPLEMENTATION OF  
10          CHANGES.—

11           “(A) IN GENERAL.—The Secretary, acting  
12           through the Service and with the assistance of  
13           the Administrator of the Centers for Medicare  
14           & Medicaid Services, shall examine on an ongo-  
15           ing basis and implement any administrative  
16           changes that may be necessary to facilitate di-  
17           rect billing and reimbursement under the pro-  
18           gram established under this subsection, includ-  
19           ing any agreements with States that may be  
20           necessary to provide for direct billing under a  
21           program under a title of the Social Security  
22           Act.

23           “(B) COORDINATION OF INFORMATION.—  
24           The Service shall provide the Administrator of  
25           the Centers for Medicare & Medicaid Services

1 with copies of the lists submitted to the Service  
2 under paragraph (2)(C), enrollment data re-  
3 garding patients served by the Service (and by  
4 Tribal Health Programs, to the extent such  
5 data is available to the Service), and such other  
6 information as the Administrator may require  
7 for purposes of administering title XVIII, XIX,  
8 or XXI of the Social Security Act.

9 “(4) WITHDRAWAL FROM PROGRAM.—A Tribal  
10 Health Program that bills directly under the pro-  
11 gram established under this subsection may with-  
12 draw from participation in the same manner and  
13 under the same conditions that an Indian Tribe or  
14 Tribal Organization may retrocede a contracted pro-  
15 gram to the Secretary under the authority of the In-  
16 dian Self-Determination and Education Assistance  
17 Act (25 U.S.C. 450 et seq.). All cost accounting and  
18 billing authority under the program established  
19 under this subsection shall be returned to the Sec-  
20 retary upon the Secretary’s acceptance of the with-  
21 drawal of participation in this program.

22 “(5) TERMINATION FOR FAILURE TO COMPLY  
23 WITH REQUIREMENTS.—The Secretary may termi-  
24 nate the participation of a Tribal Health Program or  
25 in the direct billing program established under this

1 subsection if the Secretary determines that the Pro-  
 2 gram has failed to comply with the requirements of  
 3 paragraph (2). The Secretary shall provide a Tribal  
 4 Health Program with notice of a determination that  
 5 the Program has failed to comply with any such re-  
 6 quirement and a reasonable opportunity to correct  
 7 such noncompliance prior to terminating the Pro-  
 8 gram's participation in the direct billing program es-  
 9 tablished under this subsection.

10 “(e) RELATED PROVISIONS UNDER THE SOCIAL SE-  
 11 CURITY ACT.—For provisions related to subsections (c)  
 12 and (d), see sections 1880, 1911, and 2107(e)(1)(D) of  
 13 the Social Security Act.

14 **“SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERV-**  
 15 **ICE, INDIAN TRIBES, TRIBAL ORGANIZA-**  
 16 **TIONS, AND URBAN INDIAN ORGANIZATIONS**  
 17 **TO FACILITATE OUTREACH, ENROLLMENT,**  
 18 **AND COVERAGE OF INDIANS UNDER SOCIAL**  
 19 **SECURITY ACT HEALTH BENEFIT PROGRAMS**  
 20 **AND OTHER HEALTH BENEFITS PROGRAMS.**

21 “(a) INDIAN TRIBES AND TRIBAL ORGANIZA-  
 22 TIONS.—From funds appropriated to carry out this title  
 23 in accordance with section 416, the Secretary, acting  
 24 through the Service, shall make grants to or enter into  
 25 contracts with Indian Tribes and Tribal Organizations to

1 assist such Tribes and Tribal Organizations in estab-  
2 lishing and administering programs on or near reserva-  
3 tions and trust lands to assist individual Indians—

4 “(1) to enroll for benefits under a program es-  
5 tablished under title XVIII, XIX, or XXI of the So-  
6 cial Security Act and other health benefits pro-  
7 grams; and

8 “(2) with respect to such programs for which  
9 the charging of premiums and cost sharing is not  
10 prohibited under such programs, to pay premiums or  
11 cost sharing for coverage for such benefits, which  
12 may be based on financial need (as determined by  
13 the Indian Tribe or Tribes or Tribal Organizations  
14 being served based on a schedule of income levels de-  
15 veloped or implemented by such Tribe, Tribes, or  
16 Tribal Organizations).

17 “(b) CONDITIONS.—The Secretary, acting through  
18 the Service, shall place conditions as deemed necessary to  
19 effect the purpose of this section in any grant or contract  
20 which the Secretary makes with any Indian Tribe or Trib-  
21 al Organization pursuant to this section. Such conditions  
22 shall include requirements that the Indian Tribe or Tribal  
23 Organization successfully undertake—

24 “(1) to determine the population of Indians eli-  
25 gible for the benefits described in subsection (a);

1           “(2) to educate Indians with respect to the ben-  
2           efits available under the respective programs;

3           “(3) to provide transportation for such indi-  
4           vidual Indians to the appropriate offices for enroll-  
5           ment or applications for such benefits; and

6           “(4) to develop and implement methods of im-  
7           proving the participation of Indians in receiving ben-  
8           efits under such programs.

9           “(c) APPLICATION TO URBAN INDIAN ORGANIZA-  
10          TIONS.—

11           “(1) IN GENERAL.—The provisions of sub-  
12           section (a) shall apply with respect to grants and  
13           other funding to Urban Indian Organizations with  
14           respect to populations served by such organizations  
15           in the same manner they apply to grants and con-  
16           tracts with Indian Tribes and Tribal Organizations  
17           with respect to programs on or near reservations.

18           “(2) REQUIREMENTS.—The Secretary shall in-  
19           clude in the grants or contracts made or provided  
20           under paragraph (1) requirements that are—

21                   “(A) consistent with the requirements im-  
22                   posed by the Secretary under subsection (b);

23                   “(B) appropriate to Urban Indian Organi-  
24                   zations and Urban Indians; and

1                   “(C) necessary to effect the purposes of  
2                   this section.

3           “(d) FACILITATING COOPERATION.—The Secretary,  
4 acting through the Centers for Medicare & Medicaid Serv-  
5 ices, shall take such steps as are necessary to facilitate  
6 cooperation with, and agreements between, States and the  
7 Service, Indian Tribes, Tribal Organizations, or Urban In-  
8 dian Organizations with respect to the provision of health  
9 care items and services to Indians under the programs es-  
10 tablished under title XVIII, XIX, or XXI of the Social  
11 Security Act.

12          “(e) AGREEMENTS RELATING TO IMPROVING EN-  
13 ROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT  
14 HEALTH BENEFITS PROGRAMS.—For provisions relating  
15 to agreements between the Secretary, acting through the  
16 Service, and Indian Tribes, Tribal Organizations, and  
17 Urban Indian Organizations for the collection, prepara-  
18 tion, and submission of applications by Indians for assist-  
19 ance under the Medicaid and State children’s health insur-  
20 ance programs established under titles XIX and XXI of  
21 the Social Security Act, and benefits under the Medicare  
22 program established under title XVIII of such Act, see  
23 subsections (a) and (b) of section 1139 of the Social Secu-  
24 rity Act.

1       “(f) DEFINITION OF PREMIUMS AND COST SHAR-  
2     ING.—In this section:

3               “(1) PREMIUM.—The term ‘premium’ includes  
4     any enrollment fee or similar charge.

5               “(2) COST SHARING.—The term ‘cost sharing’  
6     includes any deduction, deductible, copayment, coin-  
7     surance, or similar charge.

8     **“SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PAR-**  
9               **TIES OF COSTS OF HEALTH SERVICES.**

10       “(a) RIGHT OF RECOVERY.—Except as provided in  
11     subsection (f), the United States, an Indian Tribe, or  
12     Tribal Organization shall have the right to recover from  
13     an insurance company, health maintenance organization,  
14     employee benefit plan, third-party tortfeasor, or any other  
15     responsible or liable third party (including a political sub-  
16     division or local governmental entity of a State) the rea-  
17     sonable charges billed by the Secretary, an Indian Tribe,  
18     or Tribal Organization in providing health services  
19     through the Service, an Indian Tribe, or Tribal Organiza-  
20     tion to any individual to the same extent that such indi-  
21     vidual, or any nongovernmental provider of such services,  
22     would be eligible to receive damages, reimbursement, or  
23     indemnification for such charges or expenses if—

24               “(1) such services had been provided by a non-  
25     governmental provider; and



1           “(2) such individual had been required to pay  
2           such charges or expenses and did pay such charges  
3           or expenses.

4           “(b) LIMITATIONS ON RECOVERIES FROM STATES.—  
5           Subsection (a) shall provide a right of recovery against  
6           any State, only if the injury, illness, or disability for which  
7           health services were provided is covered under—

8           “(1) workers’ compensation laws; or

9           “(2) a no-fault automobile accident insurance  
10          plan or program.

11          “(c) NONAPPLICATION OF OTHER LAWS.—No law of  
12          any State, or of any political subdivision of a State and  
13          no provision of any contract, insurance or health mainte-  
14          nance organization policy, employee benefit plan, self-in-  
15          surance plan, managed care plan, or other health care plan  
16          or program entered into or renewed after the date of the  
17          enactment of the Indian Health Care Amendments of  
18          1988, shall prevent or hinder the right of recovery of the  
19          United States, an Indian Tribe, or Tribal Organization  
20          under subsection (a).

21          “(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—  
22          No action taken by the United States, an Indian Tribe,  
23          or Tribal Organization to enforce the right of recovery  
24          provided under this section shall operate to deny to the

1 injured person the recovery for that portion of the person's  
2 damage not covered hereunder.

3 “(e) ENFORCEMENT.—

4 “(1) IN GENERAL.—The United States, an In-  
5 dian Tribe, or Tribal Organization may enforce the  
6 right of recovery provided under subsection (a) by—

7 “(A) intervening or joining in any civil ac-  
8 tion or proceeding brought—

9 “(i) by the individual for whom health  
10 services were provided by the Secretary, an  
11 Indian Tribe, or Tribal Organization; or

12 “(ii) by any representative or heirs of  
13 such individual, or

14 “(B) instituting a civil action, including a  
15 civil action for injunctive relief and other relief  
16 and including, with respect to a political sub-  
17 division or local governmental entity of a State,  
18 such an action against an official thereof.

19 “(2) NOTICE.—All reasonable efforts shall be  
20 made to provide notice of action instituted under  
21 paragraph (1)(B) to the individual to whom health  
22 services were provided, either before or during the  
23 pendency of such action.

24 “(3) RECOVERY FROM TORTFEASORS.—

1           “(A) IN GENERAL.—In any case in which  
2           an Indian Tribe or Tribal Organization that is  
3           authorized or required under a compact or con-  
4           tract issued pursuant to the Indian Self-Deter-  
5           mination and Education Assistance Act (25  
6           U.S.C. 450 et seq.) to furnish or pay for health  
7           services to a person who is injured or suffers a  
8           disease on or after the date of enactment of the  
9           Indian Health Care Improvement Act Amend-  
10          ments of 2007 under circumstances that estab-  
11          lish grounds for a claim of liability against the  
12          tortfeasor with respect to the injury or disease,  
13          the Indian Tribe or Tribal Organization shall  
14          have a right to recover from the tortfeasor (or  
15          an insurer of the tortfeasor) the reasonable  
16          value of the health services so furnished, paid  
17          for, or to be paid for, in accordance with the  
18          Federal Medical Care Recovery Act (42 U.S.C.  
19          2651 et seq.), to the same extent and under the  
20          same circumstances as the United States may  
21          recover under that Act.

22          “(B) TREATMENT.—The right of an In-  
23          dian Tribe or Tribal Organization to recover  
24          under subparagraph (A) shall be independent of  
25          the rights of the injured or diseased person

1           served by the Indian Tribe or Tribal Organiza-  
2           tion.

3           “(f) LIMITATION.—Absent specific written authoriza-  
4   tion by the governing body of an Indian Tribe for the pe-  
5   riod of such authorization (which may not be for a period  
6   of more than 1 year and which may be revoked at any  
7   time upon written notice by the governing body to the  
8   Service), the United States shall not have a right of recov-  
9   ery under this section if the injury, illness, or disability  
10   for which health services were provided is covered under  
11   a self-insurance plan funded by an Indian Tribe, Tribal  
12   Organization, or Urban Indian Organization. Where such  
13   authorization is provided, the Service may receive and ex-  
14   pend such amounts for the provision of additional health  
15   services consistent with such authorization.

16          “(g) COSTS AND ATTORNEYS’ FEES.—In any action  
17   brought to enforce the provisions of this section, a pre-  
18   vailing plaintiff shall be awarded its reasonable attorneys’  
19   fees and costs of litigation.

20          “(h) NONAPPLICATION OF CLAIMS FILING REQUIRE-  
21   MENTS.—An insurance company, health maintenance or-  
22   ganization, self-insurance plan, managed care plan, or  
23   other health care plan or program (under the Social Secu-  
24   rity Act or otherwise) may not deny a claim for benefits  
25   submitted by the Service or by an Indian Tribe or Tribal

1 Organization based on the format in which the claim is  
2 submitted if such format complies with the format re-  
3 quired for submission of claims under title XVIII of the  
4 Social Security Act or recognized under section 1175 of  
5 such Act.

6 “(i) APPLICATION TO URBAN INDIAN ORGANIZA-  
7 TIONS.—The previous provisions of this section shall apply  
8 to Urban Indian Organizations with respect to populations  
9 served by such Organizations in the same manner they  
10 apply to Indian Tribes and Tribal Organizations with re-  
11 spect to populations served by such Indian Tribes and  
12 Tribal Organizations.

13 “(j) STATUTE OF LIMITATIONS.—The provisions of  
14 section 2415 of title 28, United States Code, shall apply  
15 to all actions commenced under this section, and the ref-  
16 erences therein to the United States are deemed to include  
17 Indian Tribes, Tribal Organizations, and Urban Indian  
18 Organizations.

19 “(k) SAVINGS.—Nothing in this section shall be con-  
20 strued to limit any right of recovery available to the  
21 United States, an Indian Tribe, or Tribal Organization  
22 under the provisions of any applicable, Federal, State, or  
23 Tribal law, including medical lien laws.

24 **“SEC. 404. CREDITING OF REIMBURSEMENTS.**

25 “(a) USE OF AMOUNTS.—

1           “(1) RETENTION BY PROGRAM.—Except as pro-  
 2       vided in section 202(f) (relating to the Catastrophic  
 3       Health Emergency Fund) and section 807 (relating  
 4       to health services for ineligible persons), all reim-  
 5       bursements received or recovered under any of the  
 6       programs described in paragraph (2), including  
 7       under section 807, by reason of the provision of  
 8       health services by the Service, by an Indian Tribe or  
 9       Tribal Organization, or by an Urban Indian Organi-  
 10      zation, shall be credited to the Service, such Indian  
 11      Tribe or Tribal Organization, or such Urban Indian  
 12      Organization, respectively, and may be used as pro-  
 13      vided in section 401. In the case of such a service  
 14      provided by or through a Service Unit, such  
 15      amounts shall be credited to such unit and used for  
 16      such purposes.

17           “(2) PROGRAMS COVERED.—The programs re-  
 18      ferred to in paragraph (1) are the following:

19                   “(A) Titles XVIII, XIX, and XXI of the  
 20                  Social Security Act.

21                   “(B) This Act, including section 807.

22                   “(C) Public Law 87–693.

23                   “(D) Any other provision of law.

24           “(b) NO OFFSET OF AMOUNTS.—The Service may  
 25      not offset or limit any amount obligated to any Service

1 Unit or entity receiving funding from the Service because  
2 of the receipt of reimbursements under subsection (a).

3 **“SEC. 405. PURCHASING HEALTH CARE COVERAGE.**

4 “(a) IN GENERAL.—Insofar as amounts are made  
5 available under law (including a provision of the Social  
6 Security Act, the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450 et seq.), or other  
8 law, other than under section 402) to Indian Tribes, Trib-  
9 al Organizations, and Urban Indian Organizations for  
10 health benefits for Service beneficiaries, Indian Tribes,  
11 Tribal Organizations, and Urban Indian Organizations  
12 may use such amounts to purchase health benefits cov-  
13 erage for such beneficiaries in any manner, including  
14 through—

15 “(1) a tribally owned and operated health care  
16 plan;

17 “(2) a State or locally authorized or licensed  
18 health care plan;

19 “(3) a health insurance provider or managed  
20 care organization; or

21 “(4) a self-insured plan.

22 The purchase of such coverage by an Indian Tribe, Tribal  
23 Organization, or Urban Indian Organization may be based  
24 on the financial needs of such beneficiaries (as determined  
25 by the Indian Tribe or Tribes being served based on a

1 schedule of income levels developed or implemented by  
2 such Indian Tribe or Tribes).

3 “(b) EXPENSES FOR SELF-INSURED PLAN.—In the  
4 case of a self-insured plan under subsection (a)(4), the  
5 amounts may be used for expenses of operating the plan,  
6 including administration and insurance to limit the finan-  
7 cial risks to the entity offering the plan.

8 “(c) CONSTRUCTION.—Nothing in this section shall  
9 be construed as affecting the use of any amounts not re-  
10 ferred to in subsection (a).

11 **“SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGEN-**  
12 **CIES.**

13 “(a) AUTHORITY.—

14 “(1) IN GENERAL.—The Secretary may enter  
15 into (or expand) arrangements for the sharing of  
16 medical facilities and services between the Service,  
17 Indian Tribes, and Tribal Organizations and the De-  
18 partment of Veterans Affairs and the Department of  
19 Defense.

20 “(2) CONSULTATION BY SECRETARY RE-  
21 QUIRED.—The Secretary may not finalize any ar-  
22 rangement between the Service and a Department  
23 described in paragraph (1) without first consulting  
24 with the Indian Tribes which will be significantly af-  
25 fected by the arrangement.



1       “(b) LIMITATIONS.—The Secretary shall not take  
2 any action under this section or under subchapter IV of  
3 chapter 81 of title 38, United States Code, which would  
4 impair—

5           “(1) the priority access of any Indian to health  
6 care services provided through the Service and the  
7 eligibility of any Indian to receive health services  
8 through the Service;

9           “(2) the quality of health care services provided  
10 to any Indian through the Service;

11           “(3) the priority access of any veteran to health  
12 care services provided by the Department of Vet-  
13 erans Affairs;

14           “(4) the quality of health care services provided  
15 by the Department of Veterans Affairs or the De-  
16 partment of Defense; or

17           “(5) the eligibility of any Indian who is a vet-  
18 eran to receive health services through the Depart-  
19 ment of Veterans Affairs.

20       “(c) REIMBURSEMENT.—The Service, Indian Tribe,  
21 or Tribal Organization shall be reimbursed by the Depart-  
22 ment of Veterans Affairs or the Department of Defense  
23 (as the case may be) where services are provided through  
24 the Service, an Indian Tribe, or a Tribal Organization to

1 beneficiaries eligible for services from either such Depart-  
2 ment, notwithstanding any other provision of law.

3 “(d) CONSTRUCTION.—Nothing in this section may  
4 be construed as creating any right of a non-Indian veteran  
5 to obtain health services from the Service.

6 **“SEC. 407. PAYOR OF LAST RESORT.**

7 “Indian Health Programs and health care programs  
8 operated by Urban Indian Organizations shall be the  
9 payor of last resort for services provided to persons eligible  
10 for services from Indian Health Programs and Urban In-  
11 dian Organizations, notwithstanding any Federal, State,  
12 or local law to the contrary.

13 **“SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH**  
14 **CARE PROGRAMS IN QUALIFICATIONS FOR**  
15 **REIMBURSEMENT FOR SERVICES.**

16 “(a) REQUIREMENT TO SATISFY GENERALLY APPLI-  
17 CABLE PARTICIPATION REQUIREMENTS.—

18 “(1) IN GENERAL.—A Federal health care pro-  
19 gram must accept an entity that is operated by the  
20 Service, an Indian Tribe, Tribal Organization, or  
21 Urban Indian Organization as a provider eligible to  
22 receive payment under the program for health care  
23 services furnished to an Indian on the same basis as  
24 any other provider qualified to participate as a pro-  
25 vider of health care services under the program if

1 the entity meets generally applicable State or other  
2 requirements for participation as a provider of  
3 health care services under the program.

4 “(2) SATISFACTION OF STATE OR LOCAL LICEN-  
5 SURE OR RECOGNITION REQUIREMENTS.—Any re-  
6 quirement for participation as a provider of health  
7 care services under a Federal health care program  
8 that an entity be licensed or recognized under the  
9 State or local law where the entity is located to fur-  
10 nish health care services shall be deemed to have  
11 been met in the case of an entity operated by the  
12 Service, an Indian Tribe, Tribal Organization, or  
13 Urban Indian Organization if the entity meets all  
14 the applicable standards for such licensure or rec-  
15 ognition, regardless of whether the entity obtains a  
16 license or other documentation under such State or  
17 local law. In accordance with section 221, the ab-  
18 sence of the licensure of a health care professional  
19 employed by such an entity under the State or local  
20 law where the entity is located shall not be taken  
21 into account for purposes of determining whether  
22 the entity meets such standards, if the professional  
23 is licensed in another State.

24 “(b) APPLICATION OF EXCLUSION FROM PARTICIPA-  
25 TION IN FEDERAL HEALTH CARE PROGRAMS.—

1           “(1) EXCLUDED ENTITIES.—No entity operated  
2       by the Service, an Indian Tribe, Tribal Organiza-  
3       tion, or Urban Indian Organization that has been  
4       excluded from participation in any Federal health  
5       care program or for which a license is under suspen-  
6       sion or has been revoked by the State where the en-  
7       tity is located shall be eligible to receive payment or  
8       reimbursement under any such program for health  
9       care services furnished to an Indian.

10          “(2) EXCLUDED INDIVIDUALS.—No individual  
11       who has been excluded from participation in any  
12       Federal health care program or whose State license  
13       is under suspension shall be eligible to receive pay-  
14       ment or reimbursement under any such program for  
15       health care services furnished by that individual, di-  
16       rectly or through an entity that is otherwise eligible  
17       to receive payment for health care services, to an In-  
18       dian.

19          “(3) FEDERAL HEALTH CARE PROGRAM DE-  
20       FINED.—In this subsection, the term, ‘Federal  
21       health care program’ has the meaning given that  
22       term in section 1128B(f) of the Social Security Act  
23       (42 U.S.C. 1320a–7b(f)), except that, for purposes  
24       of this subsection, such term shall include the health

1 insurance program under chapter 89 of title 5,  
2 United States Code.

3 “(c) RELATED PROVISIONS.—For provisions related  
4 to nondiscrimination against providers operated by the  
5 Service, an Indian Tribe, Tribal Organization, or Urban  
6 Indian Organization, see section 1139(c) of the Social Se-  
7 curity Act (42 U.S.C. 1320b–9(c)).

8 **“SEC. 409. CONSULTATION.**

9 “For provisions related to consultation with rep-  
10 resentatives of Indian Health Programs and Urban Indian  
11 Organizations with respect to the health care programs  
12 established under titles XVIII, XIX, and XXI of the Social  
13 Security Act, see section 1139(d) of the Social Security  
14 Act (42 U.S.C. 1320b–9(d)).

15 **“SEC. 410. STATE CHILDREN’S HEALTH INSURANCE PRO-**  
16 **GRAM (SCHIP).**

17 “For provisions relating to—

18 “(1) outreach to families of Indian children  
19 likely to be eligible for child health assistance under  
20 the State children’s health insurance program estab-  
21 lished under title XXI of the Social Security Act, see  
22 sections 2105(c)(2)(C) and 1139(a) of such Act (42  
23 U.S.C. 1397ee(c)(2), 1320b–9); and

24 “(2) ensuring that child health assistance is  
25 provided under such program to targeted low-income

1 children who are Indians and that payments are  
 2 made under such program to Indian Health Pro-  
 3 grams and Urban Indian Organizations operating in  
 4 the State that provide such assistance, see sections  
 5 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42  
 6 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

7 **“SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED**  
 8 **INDIAN HEALTH PROGRAMS AND SAFE HAR-**  
 9 **BOR TRANSACTIONS UNDER THE SOCIAL SE-**  
 10 **CURITY ACT.**

11 “For provisions relating to—

12 “(1) exclusion waiver authority for affected In-  
 13 dian Health Programs under the Social Security  
 14 Act, see section 1128(k) of the Social Security Act  
 15 (42 U.S.C. 1320a–7(k)); and

16 “(2) certain transactions involving Indian  
 17 Health Programs deemed to be in safe harbors  
 18 under that Act, see section 1128B(b)(4) of the So-  
 19 cial Security Act (42 U.S.C. 1320a–7b(b)(4)).

20 **“SEC. 412. PREMIUM AND COST SHARING PROTECTIONS**  
 21 **AND ELIGIBILITY DETERMINATIONS UNDER**  
 22 **MEDICAID AND SCHIP AND PROTECTION OF**  
 23 **CERTAIN INDIAN PROPERTY FROM MEDICAID**  
 24 **ESTATE RECOVERY.**

25 “For provisions relating to—

1           “(1) premiums or cost sharing protections for  
 2       Indians furnished items or services directly by In-  
 3       dian Health Programs or through referral under the  
 4       contract health service under the Medicaid program  
 5       established under title XIX of the Social Security  
 6       Act, see sections 1916(j) and 1916A(a)(1) of the So-  
 7       cial Security Act (42 U.S.C. 1396o(j), 1396o-  
 8       1(a)(1));

9           “(2) rules regarding the treatment of certain  
 10      property for purposes of determining eligibility  
 11      under such programs, see sections 1902(e)(13) and  
 12      2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13),  
 13      1397gg(e)(1)(B)); and

14          “(3) the protection of certain property from es-  
 15      tate recovery provisions under the Medicaid pro-  
 16      gram, see section 1917(b)(3)(B) of such Act (42  
 17      U.S.C. 1396p(b)(3)(B)).

18   **“SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MAN-**  
 19           **AGED CARE.**

20          “For provisions relating to the treatment of Indians  
 21      enrolled in a managed care entity under the Medicaid pro-  
 22      gram under title XIX of the Social Security Act and In-  
 23      dian Health Programs and Urban Indian Organizations  
 24      that are providers of items or services to such Indian en-  
 25      rollees, see sections 1932(h) and 2107(e)(1)(H) of the So-

1 cial Security Act (42 U.S.C. 1396u–2(h),  
2 1397gg(e)(1)(H)).

3 **“SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASI-**  
4 **BILITY STUDY.**

5 “(a) STUDY.—The Secretary shall conduct a study  
6 to determine the feasibility of treating the Navajo Nation  
7 as a State for the purposes of title XIX of the Social Secu-  
8 rity Act, to provide services to Indians living within the  
9 boundaries of the Navajo Nation through an entity estab-  
10 lished having the same authority and performing the same  
11 functions as single-State medicaid agencies responsible for  
12 the administration of the State plan under title XIX of  
13 the Social Security Act.

14 “(b) CONSIDERATIONS.—In conducting the study,  
15 the Secretary shall consider the feasibility of—

16 “(1) assigning and paying all expenditures for  
17 the provision of services and related administration  
18 funds, under title XIX of the Social Security Act, to  
19 Indians living within the boundaries of the Navajo  
20 Nation that are currently paid to or would otherwise  
21 be paid to the State of Arizona, New Mexico, or  
22 Utah;

23 “(2) providing assistance to the Navajo Nation  
24 in the development and implementation of such enti-  
25 ty for the administration, eligibility, payment, and



1 delivery of medical assistance under title XIX of the  
2 Social Security Act;

3 “(3) providing an appropriate level of matching  
4 funds for Federal medical assistance with respect to  
5 amounts such entity expends for medical assistance  
6 for services and related administrative costs; and

7 “(4) authorizing the Secretary, at the option of  
8 the Navajo Nation, to treat the Navajo Nation as a  
9 State for the purposes of title XIX of the Social Se-  
10 curity Act (relating to the State children’s health in-  
11 surance program) under terms equivalent to those  
12 described in paragraphs (2) through (4).

13 “(c) REPORT.—Not later than 3 years after the date  
14 of enactment of the Indian Health Care Improvement Act  
15 Amendments of 2007, the Secretary shall submit to the  
16 Committee on Indian Affairs and Committee on Finance  
17 of the Senate and the Committee on Natural Resources  
18 and Committee on Energy and Commerce of the House  
19 of Representatives a report that includes—

20 “(1) the results of the study under this section;

21 “(2) a summary of any consultation that oc-  
22 curred between the Secretary and the Navajo Na-  
23 tion, other Indian Tribes, the States of Arizona,  
24 New Mexico, and Utah, counties which include Nav-

1       ajo Lands, and other interested parties, in con-  
 2       ducting this study;

3           “(3) projected costs or savings associated with  
 4       establishment of such entity, and any estimated im-  
 5       pact on services provided as described in this section  
 6       in relation to probable costs or savings; and

7           “(4) legislative actions that would be required  
 8       to authorize the establishment of such entity if such  
 9       entity is determined by the Secretary to be feasible.

10   **“SEC. 415. GENERAL EXCEPTIONS.**

11       “The requirements of this title shall not apply to any  
 12       excepted benefits described in paragraph (1)(A) or (3) of  
 13       section 2791(c) of the Public Health Service Act (42  
 14       U.S.C. 300gg–91).

15   **“SEC. 416. AUTHORIZATION OF APPROPRIATIONS.**

16       “There are authorized to be appropriated such sums  
 17       as may be necessary for each fiscal year through fiscal  
 18       year 2017 to carry out this title.

19       **“TITLE V—HEALTH SERVICES**  
 20       **FOR URBAN INDIANS**

21   **“SEC. 501. PURPOSE.**

22       “The purpose of this title is to establish and maintain  
 23       programs in Urban Centers to make health services more  
 24       accessible and available to Urban Indians.

1   **“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN IN-**  
2                           **DIAN ORGANIZATIONS.**

3           “Under authority of the Act of November 2, 1921  
4   (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
5   the Secretary, acting through the Service, shall enter into  
6   contracts with, or make grants to, Urban Indian Organi-  
7   zations to assist such organizations in the establishment  
8   and administration, within Urban Centers, of programs  
9   which meet the requirements set forth in this title. Subject  
10  to section 506, the Secretary, acting through the Service,  
11  shall include such conditions as the Secretary considers  
12  necessary to effect the purpose of this title in any contract  
13  into which the Secretary enters with, or in any grant the  
14  Secretary makes to, any Urban Indian Organization pur-  
15  suant to this title.

16   **“SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION**  
17                           **OF HEALTH CARE AND REFERRAL SERVICES.**

18           “(a) REQUIREMENTS FOR GRANTS AND CON-  
19  TRACTS.—Under authority of the Act of November 2,  
20  1921 (25 U.S.C. 13) (commonly known as the ‘Snyder  
21  Act’), the Secretary, acting through the Service, shall  
22  enter into contracts with, and make grants to, Urban In-  
23  dian Organizations for the provision of health care and  
24  referral services for Urban Indians. Any such contract or  
25  grant shall include requirements that the Urban Indian  
26  Organization successfully undertake to—

1           “(1) estimate the population of Urban Indians  
2           residing in the Urban Center or centers that the or-  
3           ganization proposes to serve who are or could be re-  
4           cipients of health care or referral services;

5           “(2) estimate the current health status of  
6           Urban Indians residing in such Urban Center or  
7           centers;

8           “(3) estimate the current health care needs of  
9           Urban Indians residing in such Urban Center or  
10          centers;

11          “(4) provide basic health education, including  
12          health promotion and disease prevention education,  
13          to Urban Indians;

14          “(5) make recommendations to the Secretary  
15          and Federal, State, local, and other resource agen-  
16          cies on methods of improving health service pro-  
17          grams to meet the needs of Urban Indians; and

18          “(6) where necessary, provide, or enter into  
19          contracts for the provision of, health care services  
20          for Urban Indians.

21          “(b) CRITERIA.—The Secretary, acting through the  
22          Service, shall, by regulation, prescribe the criteria for se-  
23          lecting Urban Indian Organizations to enter into contracts  
24          or receive grants under this section. Such criteria shall,  
25          among other factors, include—

1           “(1) the extent of unmet health care needs of  
2           Urban Indians in the Urban Center or centers in-  
3           volved;

4           “(2) the size of the Urban Indian population in  
5           the Urban Center or centers involved;

6           “(3) the extent, if any, to which the activities  
7           set forth in subsection (a) would duplicate any  
8           project funded under this title, or under any current  
9           public health service project funded in a manner  
10          other than pursuant to this title;

11          “(4) the capability of an Urban Indian Organi-  
12          zation to perform the activities set forth in sub-  
13          section (a) and to enter into a contract with the Sec-  
14          retary or to meet the requirements for receiving a  
15          grant under this section;

16          “(5) the satisfactory performance and success-  
17          ful completion by an Urban Indian Organization of  
18          other contracts with the Secretary under this title;

19          “(6) the appropriateness and likely effectiveness  
20          of conducting the activities set forth in subsection  
21          (a) in an Urban Center or centers; and

22          “(7) the extent of existing or likely future par-  
23          ticipation in the activities set forth in subsection (a)  
24          by appropriate health and health-related Federal,  
25          State, local, and other agencies.

1       “(c) ACCESS TO HEALTH PROMOTION AND DISEASE  
2 PREVENTION PROGRAMS.—The Secretary, acting through  
3 the Service, shall facilitate access to or provide health pro-  
4 motion and disease prevention services for Urban Indians  
5 through grants made to Urban Indian Organizations ad-  
6 ministering contracts entered into or receiving grants  
7 under subsection (a).

8       “(d) IMMUNIZATION SERVICES.—

9           “(1) ACCESS OR SERVICES PROVIDED.—The  
10 Secretary, acting through the Service, shall facilitate  
11 access to, or provide, immunization services for  
12 Urban Indians through grants made to Urban In-  
13 dian Organizations administering contracts entered  
14 into or receiving grants under this section.

15           “(2) DEFINITION.—For purposes of this sub-  
16 section, the term ‘immunization services’ means  
17 services to provide without charge immunizations  
18 against vaccine-preventable diseases.

19       “(e) BEHAVIORAL HEALTH SERVICES.—

20           “(1) ACCESS OR SERVICES PROVIDED.—The  
21 Secretary, acting through the Service, shall facilitate  
22 access to, or provide, behavioral health services for  
23 Urban Indians through grants made to Urban In-  
24 dian Organizations administering contracts entered  
25 into or receiving grants under subsection (a).

1           “(2) ASSESSMENT REQUIRED.—Except as pro-  
2       vided by paragraph (3)(A), a grant may not be made  
3       under this subsection to an Urban Indian Organiza-  
4       tion until that organization has prepared, and the  
5       Service has approved, an assessment of the fol-  
6       lowing:

7           “(A) The behavioral health needs of the  
8       Urban Indian population concerned.

9           “(B) The behavioral health services and  
10      other related resources available to that popu-  
11      lation.

12          “(C) The barriers to obtaining those serv-  
13      ices and resources.

14          “(D) The needs that are unmet by such  
15      services and resources.

16          “(3) PURPOSES OF GRANTS.—Grants may be  
17      made under this subsection for the following:

18          “(A) To prepare assessments required  
19      under paragraph (2).

20          “(B) To provide outreach, educational, and  
21      referral services to Urban Indians regarding the  
22      availability of direct behavioral health services,  
23      to educate Urban Indians about behavioral  
24      health issues and services, and effect coordina-

1           tion with existing behavioral health providers in  
2           order to improve services to Urban Indians.

3           “(C) To provide outpatient behavioral  
4           health services to Urban Indians, including the  
5           identification and assessment of illness, thera-  
6           peutic treatments, case management, support  
7           groups, family treatment, and other treatment.

8           “(D) To develop innovative behavioral  
9           health service delivery models which incorporate  
10          Indian cultural support systems and resources.

11       “(f) PREVENTION OF CHILD ABUSE.—

12           “(1) ACCESS OR SERVICES PROVIDED.—The  
13       Secretary, acting through the Service, shall facilitate  
14       access to or provide services for Urban Indians  
15       through grants to Urban Indian Organizations ad-  
16       ministering contracts entered into or receiving  
17       grants under subsection (a) to prevent and treat  
18       child abuse (including sexual abuse) among Urban  
19       Indians.

20           “(2) EVALUATION REQUIRED.—Except as pro-  
21       vided by paragraph (3)(A), a grant may not be made  
22       under this subsection to an Urban Indian Organiza-  
23       tion until that organization has prepared, and the  
24       Service has approved, an assessment that documents  
25       the prevalence of child abuse in the Urban Indian



1 population concerned and specifies the services and  
2 programs (which may not duplicate existing services  
3 and programs) for which the grant is requested.

4 “(3) PURPOSES OF GRANTS.—Grants may be  
5 made under this subsection for the following:

6 “(A) To prepare assessments required  
7 under paragraph (2).

8 “(B) For the development of prevention,  
9 training, and education programs for Urban In-  
10 dians, including child education, parent edu-  
11 cation, provider training on identification and  
12 intervention, education on reporting require-  
13 ments, prevention campaigns, and establishing  
14 service networks of all those involved in Indian  
15 child protection.

16 “(C) To provide direct outpatient treat-  
17 ment services (including individual treatment,  
18 family treatment, group therapy, and support  
19 groups) to Urban Indians who are child victims  
20 of abuse (including sexual abuse) or adult sur-  
21 vivors of child sexual abuse, to the families of  
22 such child victims, and to Urban Indian per-  
23 petrators of child abuse (including sexual  
24 abuse).

1           “(4)    CONSIDERATIONS    WHEN    MAKING  
2           GRANTS.—In making grants to carry out this sub-  
3           section, the Secretary shall take into consideration—

4                   “(A) the support for the Urban Indian Or-  
5                   ganization demonstrated by the child protection  
6                   authorities in the area, including committees or  
7                   other services funded under the Indian Child  
8                   Welfare Act of 1978 (25 U.S.C. 1901 et seq.),  
9                   if any;

10                   “(B) the capability and expertise dem-  
11                   onstrated by the Urban Indian Organization to  
12                   address the complex problem of child sexual  
13                   abuse in the community; and

14                   “(C) the assessment required under para-  
15                   graph (2).

16           “(g)   OTHER GRANTS.—The Secretary, acting  
17 through the Service, may enter into a contract with or  
18 make grants to an Urban Indian Organization that pro-  
19 vides or arranges for the provision of health care services  
20 (through satellite facilities, provider networks, or other-  
21 wise) to Urban Indians in more than 1 Urban Center.

22   **“SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINA-**  
23                   **TION OF UNMET HEALTH CARE NEEDS.**

24           “(a) GRANTS AND CONTRACTS AUTHORIZED.—  
25 Under authority of the Act of November 2, 1921 (25

1 U.S.C. 13) (commonly known as the ‘Snyder Act’), the  
2 Secretary, acting through the Service, may enter into con-  
3 tracts with or make grants to Urban Indian Organizations  
4 situated in Urban Centers for which contracts have not  
5 been entered into or grants have not been made under sec-  
6 tion 503.

7 “(b) PURPOSE.—The purpose of a contract or grant  
8 made under this section shall be the determination of the  
9 matters described in subsection (c)(1) in order to assist  
10 the Secretary in assessing the health status and health  
11 care needs of Urban Indians in the Urban Center involved  
12 and determining whether the Secretary should enter into  
13 a contract or make a grant under section 503 with respect  
14 to the Urban Indian Organization which the Secretary has  
15 entered into a contract with, or made a grant to, under  
16 this section.

17 “(c) GRANT AND CONTRACT REQUIREMENTS.—Any  
18 contract entered into, or grant made, by the Secretary  
19 under this section shall include requirements that—

20 “(1) the Urban Indian Organization success-  
21 fully undertakes to—

22 “(A) document the health care status and  
23 unmet health care needs of Urban Indians in  
24 the Urban Center involved; and

1           “(B) with respect to Urban Indians in the  
2           Urban Center involved, determine the matters  
3           described in paragraphs (2), (3), (4), and (7) of  
4           section 503(b); and

5           “(2) the Urban Indian Organization complete  
6           performance of the contract, or carry out the re-  
7           quirements of the grant, within 1 year after the date  
8           on which the Secretary and such organization enter  
9           into such contract, or within 1 year after such orga-  
10          nization receives such grant, whichever is applicable.

11          “(d) NO RENEWALS.—The Secretary may not renew  
12          any contract entered into or grant made under this sec-  
13          tion.

14          **“SEC. 505. EVALUATIONS; RENEWALS.**

15          “(a) PROCEDURES FOR EVALUATIONS.—The Sec-  
16          retary, acting through the Service, shall develop proce-  
17          dures to evaluate compliance with grant requirements and  
18          compliance with and performance of contracts entered into  
19          by Urban Indian Organizations under this title. Such pro-  
20          cedures shall include provisions for carrying out the re-  
21          quirements of this section.

22          “(b) EVALUATIONS.—The Secretary, acting through  
23          the Service, shall evaluate the compliance of each Urban  
24          Indian Organization which has entered into a contract or  
25          received a grant under section 503 with the terms of such

1 contract or grant. For purposes of this evaluation, the  
2 Secretary shall—

3 “(1) acting through the Service, conduct an an-  
4 nual onsite evaluation of the organization; or

5 “(2) accept in lieu of such onsite evaluation evi-  
6 dence of the organization’s provisional or full accred-  
7 itation by a private independent entity recognized by  
8 the Secretary for purposes of conducting quality re-  
9 views of providers participating in the Medicare pro-  
10 gram under title XVIII of the Social Security Act.

11 “(c) NONCOMPLIANCE; UNSATISFACTORY PERFORM-  
12 ANCE.—If, as a result of the evaluations conducted under  
13 this section, the Secretary determines that an Urban In-  
14 dian Organization has not complied with the requirements  
15 of a grant or complied with or satisfactorily performed a  
16 contract under section 503, the Secretary shall, prior to  
17 renewing such contract or grant, attempt to resolve with  
18 the organization the areas of noncompliance or unsatisfac-  
19 tory performance and modify the contract or grant to pre-  
20 vent future occurrences of noncompliance or unsatisfac-  
21 tory performance. If the Secretary determines that the  
22 noncompliance or unsatisfactory performance cannot be  
23 resolved and prevented in the future, the Secretary shall  
24 not renew the contract or grant with the organization and  
25 is authorized to enter into a contract or make a grant

1 under section 503 with another Urban Indian Organiza-  
2 tion which is situated in the same Urban Center as the  
3 Urban Indian Organization whose contract or grant is not  
4 renewed under this section.

5 “(d) CONSIDERATIONS FOR RENEWALS.—In deter-  
6 mining whether to renew a contract or grant with an  
7 Urban Indian Organization under section 503 which has  
8 completed performance of a contract or grant under sec-  
9 tion 504, the Secretary shall review the records of the  
10 Urban Indian Organization, the reports submitted under  
11 section 507, and shall consider the results of the onsite  
12 evaluations or accreditations under subsection (b).

13 **“SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

14 “(a) PROCUREMENT.—Contracts with Urban Indian  
15 Organizations entered into pursuant to this title shall be  
16 in accordance with all Federal contracting laws and regu-  
17 lations relating to procurement except that in the discre-  
18 tion of the Secretary, such contracts may be negotiated  
19 without advertising and need not conform to the provisions  
20 of sections 1304 and 3131 through 3133 of title 40,  
21 United States Code.

22 “(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

23 “(1) IN GENERAL.—Payments under any con-  
24 tracts or grants pursuant to this title, notwith-

1 standing any term or condition of such contract or  
2 grant—

3 “(A) may be made in a single advance pay-  
4 ment by the Secretary to the Urban Indian Or-  
5 ganization by no later than the end of the first  
6 30 days of the funding period with respect to  
7 which the payments apply, unless the Secretary  
8 determines through an evaluation under section  
9 505 that the organization is not capable of ad-  
10 ministering such a single advance payment; and

11 “(B) if any portion thereof is unexpended  
12 by the Urban Indian Organization during the  
13 funding period with respect to which the pay-  
14 ments initially apply, shall be carried forward  
15 for expenditure with respect to allowable or re-  
16 imburseable costs incurred by the organization  
17 during 1 or more subsequent funding periods  
18 without additional justification or documenta-  
19 tion by the organization as a condition of car-  
20 rying forward the availability for expenditure of  
21 such funds.

22 “(2) SEMIANNUAL AND QUARTERLY PAYMENTS  
23 AND REIMBURSEMENTS.—If the Secretary deter-  
24 mines under paragraph (1)(A) that an Urban Indian  
25 Organization is not capable of administering an en-

1       tire single advance payment, on request of the  
 2       Urban Indian Organization, the payments may be  
 3       made—

4               “(A) in semiannual or quarterly payments  
 5               by not later than 30 days after the date on  
 6               which the funding period with respect to which  
 7               the payments apply begins; or

8               “(B) by way of reimbursement.

9       “(c) REVISION OR AMENDMENT OF CONTRACTS.—  
 10       Notwithstanding any provision of law to the contrary, the  
 11       Secretary may, at the request and consent of an Urban  
 12       Indian Organization, revise or amend any contract entered  
 13       into by the Secretary with such organization under this  
 14       title as necessary to carry out the purposes of this title.

15       “(d) FAIR AND UNIFORM SERVICES AND ASSIST-  
 16       ANCE.—Contracts with or grants to Urban Indian Organi-  
 17       zations and regulations adopted pursuant to this title shall  
 18       include provisions to assure the fair and uniform provision  
 19       to Urban Indians of services and assistance under such  
 20       contracts or grants by such organizations.

21       **“SEC. 507. REPORTS AND RECORDS.**

22       “(a) REPORTS.—

23               “(1) IN GENERAL.—For each fiscal year during  
 24               which an Urban Indian Organization receives or ex-  
 25               pends funds pursuant to a contract entered into or



1 a grant received pursuant to this title, such Urban  
2 Indian Organization shall submit to the Secretary  
3 not more frequently than every 6 months, a report  
4 that includes the following:

5 “(A) In the case of a contract or grant  
6 under section 503, recommendations pursuant  
7 to section 503(a)(5).

8 “(B) Information on activities conducted  
9 by the organization pursuant to the contract or  
10 grant.

11 “(C) An accounting of the amounts and  
12 purpose for which Federal funds were ex-  
13 pended.

14 “(D) A minimum set of data, using uni-  
15 formly defined elements, as specified by the  
16 Secretary after consultation with Urban Indian  
17 Organizations.

18 “(2) HEALTH STATUS AND SERVICES.—

19 “(A) IN GENERAL.—Not later than 18  
20 months after the date of enactment of the In-  
21 dian Health Care Improvement Act Amend-  
22 ments of 2007, the Secretary, acting through  
23 the Service, shall submit to Congress a report  
24 evaluating—

1 “(i) the health status of Urban Indi-  
2 ans;

3 “(ii) the services provided to Indians  
4 pursuant to this title; and

5 “(iii) areas of unmet needs in the de-  
6 livery of health services to Urban Indians.

7 “(B) CONSULTATION AND CONTRACTS.—  
8 In preparing the report under paragraph (1),  
9 the Secretary—

10 “(i) shall consult with Urban Indian  
11 Organizations; and

12 “(ii) may enter into a contract with a  
13 national organization representing Urban  
14 Indian Organizations to conduct any as-  
15 pect of the report.

16 “(b) AUDIT.—The reports and records of the Urban  
17 Indian Organization with respect to a contract or grant  
18 under this title shall be subject to audit by the Secretary  
19 and the Comptroller General of the United States.

20 “(c) COSTS OF AUDITS.—The Secretary shall allow  
21 as a cost of any contract or grant entered into or awarded  
22 under section 502 or 503 the cost of an annual inde-  
23 pendent financial audit conducted by—

24 “(1) a certified public accountant; or

1           “(2) a certified public accounting firm qualified  
2           to conduct Federal compliance audits.

3   **“SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

4           “The authority of the Secretary to enter into con-  
5   tracts or to award grants under this title shall be to the  
6   extent, and in an amount, provided for in appropriation  
7   Acts.

8   **“SEC. 509. FACILITIES.**

9           “(a) GRANTS.—The Secretary, acting through the  
10   Service, may make grants to contractors or grant recipi-  
11   ents under this title for the lease, purchase, renovation,  
12   construction, or expansion of facilities, including leased fa-  
13   cilities, in order to assist such contractors or grant recipi-  
14   ents in complying with applicable licensure or certification  
15   requirements.

16          “(b) LOAN FUND STUDY.—The Secretary, acting  
17   through the Service, may carry out a study to determine  
18   the feasibility of establishing a loan fund to provide to  
19   Urban Indian Organizations direct loans or guarantees for  
20   loans for the construction of health care facilities in a  
21   manner consistent with section 309, including by submit-  
22   ting a report in accordance with subsection (c) of that sec-  
23   tion.

1 **“SEC. 510. DIVISION OF URBAN INDIAN HEALTH.**

2 “There is established within the Service a Division  
3 of Urban Indian Health, which shall be responsible for—

4 “(1) carrying out the provisions of this title;

5 “(2) providing central oversight of the pro-  
6 grams and services authorized under this title; and

7 “(3) providing technical assistance to Urban In-  
8 dian Organizations.

9 **“SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-**  
10 **RELATED SERVICES.**

11 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
12 through the Service, may make grants for the provision  
13 of health-related services in prevention of, treatment of,  
14 rehabilitation of, or school- and community-based edu-  
15 cation regarding, alcohol and substance abuse in Urban  
16 Centers to those Urban Indian Organizations with which  
17 the Secretary has entered into a contract under this title  
18 or under section 201.

19 “(b) GOALS.—Each grant made pursuant to sub-  
20 section (a) shall set forth the goals to be accomplished  
21 pursuant to the grant. The goals shall be specific to each  
22 grant as agreed to between the Secretary and the grantee.

23 “(c) CRITERIA.—The Secretary shall establish cri-  
24 teria for the grants made under subsection (a), including  
25 criteria relating to the following:

26 “(1) The size of the Urban Indian population.

1           “(2) Capability of the organization to ade-  
2           quately perform the activities required under the  
3           grant.

4           “(3) Satisfactory performance standards for the  
5           organization in meeting the goals set forth in such  
6           grant. The standards shall be negotiated and agreed  
7           to between the Secretary and the grantee on a  
8           grant-by-grant basis.

9           “(4) Identification of the need for services.

10          “(d) ALLOCATION OF GRANTS.—The Secretary shall  
11       develop a methodology for allocating grants made pursu-  
12       ant to this section based on the criteria established pursu-  
13       ant to subsection (c).

14          “(e) GRANTS SUBJECT TO CRITERIA.—Any grant re-  
15       ceived by an Urban Indian Organization under this Act  
16       for substance abuse prevention, treatment, and rehabilita-  
17       tion shall be subject to the criteria set forth in subsection  
18       (c).

19       **“SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION**  
20                               **PROJECTS.**

21          “Notwithstanding any other provision of law, the  
22       Tulsa Clinic and Oklahoma City Clinic demonstration  
23       projects shall—

24               “(1) be permanent programs within the Serv-  
25       ice’s direct care program;

1           “(2) continue to be treated as Service Units  
2           and Operating Units in the allocation of resources  
3           and coordination of care; and

4           “(3) continue to meet the requirements and  
5           definitions of an Urban Indian Organization in this  
6           Act, and shall not be subject to the provisions of the  
7           Indian Self-Determination and Education Assistance  
8           Act (25 U.S.C. 450 et seq.).

9   **“SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.**

10          “(a) GRANTS AND CONTRACTS.—The Secretary,  
11          through the Division of Urban Indian Health, shall make  
12          grants or enter into contracts with Urban Indian Organi-  
13          zations, to take effect not later than September 30, 2010,  
14          for the administration of Urban Indian alcohol programs  
15          that were originally established under the National Insti-  
16          tute on Alcoholism and Alcohol Abuse (hereafter in this  
17          section referred to as ‘NIAAA’) and transferred to the  
18          Service.

19          “(b) USE OF FUNDS.—Grants provided or contracts  
20          entered into under this section shall be used to provide  
21          support for the continuation of alcohol prevention and  
22          treatment services for Urban Indian populations and such  
23          other objectives as are agreed upon between the Service  
24          and a recipient of a grant or contract under this section.

1       “(c) ELIGIBILITY.—Urban Indian Organizations that  
2       operate Indian alcohol programs originally funded under  
3       the NIAAA and subsequently transferred to the Service  
4       are eligible for grants or contracts under this section.

5       “(d) REPORT.—The Secretary shall evaluate and re-  
6       port to Congress on the activities of programs funded  
7       under this section not less than every 5 years.

8       **“SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZA-**  
9                                   **TIONS.**

10       “(a) IN GENERAL.—The Secretary shall ensure that  
11       the Service consults, to the greatest extent practicable,  
12       with Urban Indian Organizations.

13       “(b) DEFINITION OF CONSULTATION.—For purposes  
14       of subsection (a), consultation is the open and free ex-  
15       change of information and opinions which leads to mutual  
16       understanding and comprehension and which emphasizes  
17       trust, respect, and shared responsibility.

18       **“SEC. 515. URBAN YOUTH TREATMENT CENTER DEM-**  
19                                   **ONSTRATION.**

20       “(a) CONSTRUCTION AND OPERATION.—The Sec-  
21       retary, acting through the Service, through grant or con-  
22       tract, is authorized to fund the construction and operation  
23       of at least 2 residential treatment centers in each State  
24       described in subsection (b) to demonstrate the provision  
25       of alcohol and substance abuse treatment services to

1 Urban Indian youth in a culturally competent residential  
2 setting.

3 “(b) DEFINITION OF STATE.—A State described in  
4 this subsection is a State in which—

5 “(1) there resides Urban Indian youth with  
6 need for alcohol and substance abuse treatment serv-  
7 ices in a residential setting; and

8 “(2) there is a significant shortage of culturally  
9 competent residential treatment services for Urban  
10 Indian youth.

11 **“SEC. 516. GRANTS FOR DIABETES PREVENTION, TREAT-**  
12 **MENT, AND CONTROL.**

13 “(a) GRANTS AUTHORIZED.—The Secretary may  
14 make grants to those Urban Indian Organizations that  
15 have entered into a contract or have received a grant  
16 under this title for the provision of services for the preven-  
17 tion and treatment of, and control of the complications  
18 resulting from, diabetes among Urban Indians.

19 “(b) GOALS.—Each grant made pursuant to sub-  
20 section (a) shall set forth the goals to be accomplished  
21 under the grant. The goals shall be specific to each grant  
22 as agreed to between the Secretary and the grantee.

23 “(c) ESTABLISHMENT OF CRITERIA.—The Secretary  
24 shall establish criteria for the grants made under sub-  
25 section (a) relating to—



1           “(1) the size and location of the Urban Indian  
2           population to be served;

3           “(2) the need for prevention of and treatment  
4           of, and control of the complications resulting from,  
5           diabetes among the Urban Indian population to be  
6           served;

7           “(3) performance standards for the organiza-  
8           tion in meeting the goals set forth in such grant  
9           that are negotiated and agreed to by the Secretary  
10          and the grantee;

11          “(4) the capability of the organization to ade-  
12          quately perform the activities required under the  
13          grant; and

14          “(5) the willingness of the organization to col-  
15          laborate with the registry, if any, established by the  
16          Secretary under section 204(e) in the Area Office of  
17          the Service in which the organization is located.

18          “(d) FUNDS SUBJECT TO CRITERIA.—Any funds re-  
19          ceived by an Urban Indian Organization under this Act  
20          for the prevention, treatment, and control of diabetes  
21          among Urban Indians shall be subject to the criteria devel-  
22          oped by the Secretary under subsection (c).

23       **“SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.**

24          “The Secretary, acting through the Service, may  
25          enter into contracts with, and make grants to, Urban In-

1 dian Organizations for the employment of Indians trained  
 2 as health service providers through the Community Health  
 3 Representatives Program under section 109 in the provi-  
 4 sion of health care, health promotion, and disease preven-  
 5 tion services to Urban Indians.

6 **“SEC. 518. EFFECTIVE DATE.**

7 “The amendments made by the Indian Health Care  
 8 Improvement Act Amendments of 2007 to this title shall  
 9 take effect beginning on the date of enactment of that Act,  
 10 regardless of whether the Secretary has promulgated regu-  
 11 lations implementing such amendments.

12 **“SEC. 519. ELIGIBILITY FOR SERVICES.**

13 “Urban Indians shall be eligible for, and the ultimate  
 14 beneficiaries of, health care or referral services provided  
 15 pursuant to this title.

16 **“SEC. 520. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated such sums  
 18 as may be necessary for each fiscal year through fiscal  
 19 year 2017 to carry out this title.

20 **“TITLE VI—ORGANIZATIONAL**  
 21 **IMPROVEMENTS**

22 **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**  
 23 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**  
 24 **SERVICE.**

25 “(a) ESTABLISHMENT.—

1           “(1) IN GENERAL.—In order to more effectively  
2           and efficiently carry out the responsibilities, authori-  
3           ties, and functions of the United States to provide  
4           health care services to Indians and Indian Tribes, as  
5           are or may be hereafter provided by Federal statute  
6           or treaties, there is established within the Public  
7           Health Service of the Department the Indian Health  
8           Service.

9           “(2) ASSISTANT SECRETARY FOR INDIAN  
10          HEALTH.—The Service shall be administered by an  
11          Assistant Secretary for Indian Health, who shall be  
12          appointed by the President, by and with the advice  
13          and consent of the Senate. The Assistant Secretary  
14          shall report to the Secretary. Effective with respect  
15          to an individual appointed by the President, by and  
16          with the advice and consent of the Senate, after  
17          January 1, 2007, the term of service of the Assist-  
18          ant Secretary shall be 4 years. An Assistant Sec-  
19          retary may serve more than 1 term.

20          “(3) INCUMBENT.—The individual serving in  
21          the position of Director of the Service on the day be-  
22          fore the date of enactment of the Indian Health  
23          Care Improvement Act Amendments of 2007 shall  
24          serve as Assistant Secretary.

1           “(4) ADVOCACY AND CONSULTATION.—The po-  
2           sition of Assistant Secretary is established to, in a  
3           manner consistent with the government-to-govern-  
4           ment relationship between the United States and In-  
5           dian Tribes—

6                   “(A) facilitate advocacy for the develop-  
7                   ment of appropriate Indian health policy; and

8                   “(B) promote consultation on matters re-  
9                   lating to Indian health.

10          “(b) AGENCY.—The Service shall be an agency within  
11          the Public Health Service of the Department, and shall  
12          not be an office, component, or unit of any other agency  
13          of the Department.

14          “(c) DUTIES.—The Assistant Secretary shall—

15                  “(1) perform all functions that were, on the day  
16                  before the date of enactment of the Indian Health  
17                  Care Improvement Act Amendments of 2007, car-  
18                  ried out by or under the direction of the individual  
19                  serving as Director of the Service on that day;

20                  “(2) perform all functions of the Secretary re-  
21                  lating to the maintenance and operation of hospital  
22                  and health facilities for Indians and the planning  
23                  for, and provision and utilization of, health services  
24                  for Indians;

1           “(3) administer all health programs under  
2           which health care is provided to Indians based upon  
3           their status as Indians which are administered by  
4           the Secretary, including programs under—

5                   “(A) this Act;

6                   “(B) the Act of November 2, 1921 (25  
7           U.S.C. 13);

8                   “(C) the Act of August 5, 1954 (42 U.S.C.  
9           2001 et seq.);

10                  “(D) the Act of August 16, 1957 (42  
11           U.S.C. 2005 et seq.); and

12                  “(E) the Indian Self-Determination and  
13           Education Assistance Act (25 U.S.C. 450 et  
14           seq.);

15           “(4) administer all scholarship and loan func-  
16           tions carried out under title I;

17           “(5) report directly to the Secretary concerning  
18           all policy- and budget-related matters affecting In-  
19           dian health;

20           “(6) collaborate with the Assistant Secretary  
21           for Health concerning appropriate matters of Indian  
22           health that affect the agencies of the Public Health  
23           Service;

24           “(7) advise each Assistant Secretary of the De-  
25           partment concerning matters of Indian health with

1       respect to which that Assistant Secretary has au-  
2       thority and responsibility;

3               “(8) advise the heads of other agencies and pro-  
4       grams of the Department concerning matters of In-  
5       dian health with respect to which those heads have  
6       authority and responsibility;

7               “(9) coordinate the activities of the Department  
8       concerning matters of Indian health; and

9               “(10) perform such other functions as the Sec-  
10      retary may designate.

11      “(d) AUTHORITY.—

12              “(1) IN GENERAL.—The Secretary, acting  
13      through the Assistant Secretary, shall have the au-  
14      thority—

15              “(A) except to the extent provided for in  
16      paragraph (2), to appoint and compensate em-  
17      ployees for the Service in accordance with title  
18      5, United States Code;

19              “(B) to enter into contracts for the pro-  
20      curement of goods and services to carry out the  
21      functions of the Service; and

22              “(C) to manage, expend, and obligate all  
23      funds appropriated for the Service.

24              “(2) PERSONNEL ACTIONS.—Notwithstanding  
25      any other provision of law, the provisions of section

1       12 of the Act of June 18, 1934 (48 Stat. 986; 25  
 2       U.S.C. 472), shall apply to all personnel actions  
 3       taken with respect to new positions created within  
 4       the Service as a result of its establishment under  
 5       subsection (a).

6       “(e) REFERENCES.—Any reference to the Director of  
 7       the Indian Health Service in any other Federal law, Exec-  
 8       utive order, rule, regulation, or delegation of authority, or  
 9       in any document of or relating to the Director of the In-  
 10      dian Health Service, shall be deemed to refer to the Assist-  
 11      ant Secretary.

12   **“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYS-**  
 13                           **TEM.**

14       “(a) ESTABLISHMENT.—

15           “(1) IN GENERAL.—The Secretary shall estab-  
 16       lish an automated management information system  
 17       for the Service.

18           “(2) REQUIREMENTS OF SYSTEM.—The infor-  
 19       mation system established under paragraph (1) shall  
 20       include—

21                   “(A) a financial management system;

22                   “(B) a patient care information system for  
 23       each area served by the Service;

1           “(C) a privacy component that protects the  
2           privacy of patient information held by, or on be-  
3           half of, the Service;

4           “(D) a services-based cost accounting com-  
5           ponent that provides estimates of the costs as-  
6           sociated with the provision of specific medical  
7           treatments or services in each Area office of the  
8           Service;

9           “(E) an interface mechanism for patient  
10          billing and accounts receivable system; and

11          “(F) a training component.

12          “(b) PROVISION OF SYSTEMS TO TRIBES AND ORGA-  
13          NIZATIONS.—The Secretary shall provide each Tribal  
14          Health Program automated management information sys-  
15          tems which—

16               “(1) meet the management information needs  
17               of such Tribal Health Program with respect to the  
18               treatment by the Tribal Health Program of patients  
19               of the Service; and

20               “(2) meet the management information needs  
21               of the Service.

22          “(c) ACCESS TO RECORDS.—Notwithstanding any  
23          other provision of law, each patient shall have reasonable  
24          access to the medical or health records of such patient  
25          which are held by, or on behalf of, the Service.



1       “(d) AUTHORITY TO ENHANCE INFORMATION TECH-  
 2 NOLOGY.—The Secretary, acting through the Assistant  
 3 Secretary, shall have the authority to enter into contracts,  
 4 agreements, or joint ventures with other Federal agencies,  
 5 States, private and nonprofit organizations, for the pur-  
 6 pose of enhancing information technology in Indian  
 7 Health Programs and facilities.

8       **“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

9       “There is authorized to be appropriated such sums  
 10 as may be necessary for each fiscal year through fiscal  
 11 year 2017 to carry out this title.

12       **“TITLE VII—BEHAVIORAL**  
 13       **HEALTH PROGRAMS**

14       **“SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREAT-**  
 15       **MENT SERVICES.**

16       “(a) PURPOSES.—The purposes of this section are as  
 17 follows:

18               “(1) To authorize and direct the Secretary, act-  
 19 ing through the Service, Indian Tribes, Tribal Orga-  
 20 nizations, and Urban Indian Organizations, to de-  
 21 velop a comprehensive behavioral health prevention  
 22 and treatment program which emphasizes collabora-  
 23 tion among alcohol and substance abuse, social serv-  
 24 ices, and mental health programs.

1           “(2) To provide information, direction, and  
2           guidance relating to mental illness and dysfunction  
3           and self-destructive behavior, including child abuse  
4           and family violence, to those Federal, tribal, State,  
5           and local agencies responsible for programs in In-  
6           dian communities in areas of health care, education,  
7           social services, child and family welfare, alcohol and  
8           substance abuse, law enforcement, and judicial serv-  
9           ices.

10           “(3) To assist Indian Tribes to identify services  
11           and resources available to address mental illness and  
12           dysfunctional and self-destructive behavior.

13           “(4) To provide authority and opportunities for  
14           Indian Tribes and Tribal Organizations to develop,  
15           implement, and coordinate with community-based  
16           programs which include identification, prevention,  
17           education, referral, and treatment services, including  
18           through multidisciplinary resource teams.

19           “(5) To ensure that Indians, as citizens of the  
20           United States and of the States in which they re-  
21           side, have the same access to behavioral health serv-  
22           ices to which all citizens have access.

23           “(6) To modify or supplement existing pro-  
24           grams and authorities in the areas identified in  
25           paragraph (2).

1 “(b) PLANS.—

2 “(1) DEVELOPMENT.—The Secretary, acting  
3 through the Service, Indian Tribes, Tribal Organiza-  
4 tions, and Urban Indian Organizations, shall encour-  
5 age Indian Tribes and Tribal Organizations to de-  
6 velop tribal plans, and Urban Indian Organizations  
7 to develop local plans, and for all such groups to  
8 participate in developing areawide plans for Indian  
9 Behavioral Health Services. The plans shall include,  
10 to the extent feasible, the following components:

11 “(A) An assessment of the scope of alcohol  
12 or other substance abuse, mental illness, and  
13 dysfunctional and self-destructive behavior, in-  
14 cluding suicide, child abuse, and family vio-  
15 lence, among Indians, including—

16 “(i) the number of Indians served who  
17 are directly or indirectly affected by such  
18 illness or behavior; or

19 “(ii) an estimate of the financial and  
20 human cost attributable to such illness or  
21 behavior.

22 “(B) An assessment of the existing and  
23 additional resources necessary for the preven-  
24 tion and treatment of such illness and behavior,  
25 including an assessment of the progress toward

1 achieving the availability of the full continuum  
2 of care described in subsection (c).

3 “(C) An estimate of the additional funding  
4 needed by the Service, Indian Tribes, Tribal  
5 Organizations, and Urban Indian Organizations  
6 to meet their responsibilities under the plans.

7 “(2) NATIONAL CLEARINGHOUSE.—The Sec-  
8 retary, acting through the Service, shall coordinate  
9 with existing national clearinghouses and informa-  
10 tion centers to include at the clearinghouses and  
11 centers plans and reports on the outcomes of such  
12 plans developed by Indian Tribes, Tribal Organiza-  
13 tions, Urban Indian Organizations, and Service  
14 Areas relating to behavioral health. The Secretary  
15 shall ensure access to these plans and outcomes by  
16 any Indian Tribe, Tribal Organization, Urban In-  
17 dian Organization, or the Service.

18 “(3) TECHNICAL ASSISTANCE.—The Secretary  
19 shall provide technical assistance to Indian Tribes,  
20 Tribal Organizations, and Urban Indian Organiza-  
21 tions in preparation of plans under this section and  
22 in developing standards of care that may be used  
23 and adopted locally.

24 “(c) PROGRAMS.—The Secretary, acting through the  
25 Service, Indian Tribes, and Tribal Organizations, shall

1 provide, to the extent feasible and if funding is available,  
2 programs including the following:

3 “(1) COMPREHENSIVE CARE.—A comprehensive  
4 continuum of behavioral health care which pro-  
5 vides—

6 “(A) community-based prevention, inter-  
7 vention, outpatient, and behavioral health  
8 aftercare;

9 “(B) detoxification (social and medical);

10 “(C) acute hospitalization;

11 “(D) intensive outpatient/day treatment;

12 “(E) residential treatment;

13 “(F) transitional living for those needing a  
14 temporary, stable living environment that is  
15 supportive of treatment and recovery goals;

16 “(G) emergency shelter;

17 “(H) intensive case management; and

18 “(I) diagnostic services.

19 “(2) CHILD CARE.—Behavioral health services  
20 for Indians from birth through age 17, including—

21 “(A) preschool and school age fetal alcohol  
22 disorder services, including assessment and be-  
23 havioral intervention;

1           “(B) mental health and substance abuse  
2           services (emotional, organic, alcohol, drug, in-  
3           halant, and tobacco);

4           “(C) identification and treatment of co-oc-  
5           curring disorders and comorbidity;

6           “(D) prevention of alcohol, drug, inhalant,  
7           and tobacco use;

8           “(E) early intervention, treatment, and  
9           aftercare;

10          “(F) promotion of healthy approaches to  
11          risk and safety issues; and

12          “(G) identification and treatment of ne-  
13          glect and physical, mental, and sexual abuse.

14          “(3) ADULT CARE.—Behavioral health services  
15          for Indians from age 18 through 55, including—

16               “(A) early intervention, treatment, and  
17               aftercare;

18               “(B) mental health and substance abuse  
19               services (emotional, alcohol, drug, inhalant, and  
20               tobacco), including sex specific services;

21               “(C) identification and treatment of co-oc-  
22               curring disorders (dual diagnosis) and comor-  
23               bidity;

24               “(D) promotion of healthy approaches for  
25               risk-related behavior;

1           “(E) treatment services for women at risk  
2           of giving birth to a child with a fetal alcohol  
3           disorder; and

4           “(F) sex specific treatment for sexual as-  
5           sault and domestic violence.

6           “(4) FAMILY CARE.—Behavioral health services  
7           for families, including—

8           “(A) early intervention, treatment, and  
9           aftercare for affected families;

10           “(B) treatment for sexual assault and do-  
11           mestic violence; and

12           “(C) promotion of healthy approaches re-  
13           lating to parenting, domestic violence, and other  
14           abuse issues.

15           “(5) ELDER CARE.—Behavioral health services  
16           for Indians 56 years of age and older, including—

17           “(A) early intervention, treatment, and  
18           aftercare;

19           “(B) mental health and substance abuse  
20           services (emotional, alcohol, drug, inhalant, and  
21           tobacco), including sex specific services;

22           “(C) identification and treatment of co-oc-  
23           curring disorders (dual diagnosis) and comor-  
24           bidity;

1           “(D) promotion of healthy approaches to  
2           managing conditions related to aging;

3           “(E) sex specific treatment for sexual as-  
4           sault, domestic violence, neglect, physical and  
5           mental abuse and exploitation; and

6           “(F) identification and treatment of de-  
7           mentias regardless of cause.

8           “(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

9           “(1) ESTABLISHMENT.—The governing body of  
10          any Indian Tribe, Tribal Organization, or Urban In-  
11          dian Organization may adopt a resolution for the es-  
12          tablishment of a community behavioral health plan  
13          providing for the identification and coordination of  
14          available resources and programs to identify, pre-  
15          vent, or treat substance abuse, mental illness, or  
16          dysfunctional and self-destructive behavior, including  
17          child abuse and family violence, among its members  
18          or its service population. This plan should include  
19          behavioral health services, social services, intensive  
20          outpatient services, and continuing aftercare.

21          “(2) TECHNICAL ASSISTANCE.—At the request  
22          of an Indian Tribe, Tribal Organization, or Urban  
23          Indian Organization, the Bureau of Indian Affairs  
24          and the Service shall cooperate with and provide  
25          technical assistance to the Indian Tribe, Tribal Or-



1       ganization, or Urban Indian Organization in the de-  
2       velopment and implementation of such plan.

3               “(3) FUNDING.—The Secretary, acting through  
4       the Service, may make funding available to Indian  
5       Tribes and Tribal Organizations which adopt a reso-  
6       lution pursuant to paragraph (1) to obtain technical  
7       assistance for the development of a community be-  
8       havioral health plan and to provide administrative  
9       support in the implementation of such plan.

10       “(e) COORDINATION FOR AVAILABILITY OF SERV-  
11       ICES.—The Secretary, acting through the Service, Indian  
12       Tribes, Tribal Organizations, and Urban Indian Organiza-  
13       tions, shall coordinate behavioral health planning, to the  
14       extent feasible, with other Federal agencies and with State  
15       agencies, to encourage comprehensive behavioral health  
16       services for Indians regardless of their place of residence.

17       “(f) MENTAL HEALTH CARE NEED ASSESSMENT.—  
18       Not later than 1 year after the date of enactment of the  
19       Indian Health Care Improvement Act Amendments of  
20       2007, the Secretary, acting through the Service, shall  
21       make an assessment of the need for inpatient mental  
22       health care among Indians and the availability and cost  
23       of inpatient mental health facilities which can meet such  
24       need. In making such assessment, the Secretary shall con-

1 sider the possible conversion of existing, underused Service  
2 hospital beds into psychiatric units to meet such need.

3 **“SEC. 702. MEMORANDA OF AGREEMENT WITH THE DE-**  
4 **PARTMENT OF THE INTERIOR.**

5 “(a) CONTENTS.—Not later than 12 months after the  
6 date of enactment of the Indian Health Care Improvement  
7 Act Amendments of 2007, the Secretary, acting through  
8 the Service, and the Secretary of the Interior shall develop  
9 and enter into a memoranda of agreement, or review and  
10 update any existing memoranda of agreement, as required  
11 by section 4205 of the Indian Alcohol and Substance  
12 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.  
13 2411) under which the Secretaries address the following:

14 “(1) The scope and nature of mental illness and  
15 dysfunctional and self-destructive behavior, including  
16 child abuse and family violence, among Indians.

17 “(2) The existing Federal, tribal, State, local,  
18 and private services, resources, and programs avail-  
19 able to provide behavioral health services for Indi-  
20 ans.

21 “(3) The unmet need for additional services, re-  
22 sources, and programs necessary to meet the needs  
23 identified pursuant to paragraph (1).

24 “(4)(A) The right of Indians, as citizens of the  
25 United States and of the States in which they re-

1 side, to have access to behavioral health services to  
2 which all citizens have access.

3 “(B) The right of Indians to participate in, and  
4 receive the benefit of, such services.

5 “(C) The actions necessary to protect the exer-  
6 cise of such right.

7 “(5) The responsibilities of the Bureau of In-  
8 dian Affairs and the Service, including mental illness  
9 identification, prevention, education, referral, and  
10 treatment services (including services through multi-  
11 disciplinary resource teams), at the central, area,  
12 and agency and Service Unit, Service Area, and  
13 headquarters levels to address the problems identi-  
14 fied in paragraph (1).

15 “(6) A strategy for the comprehensive coordina-  
16 tion of the behavioral health services provided by the  
17 Bureau of Indian Affairs and the Service to meet  
18 the problems identified pursuant to paragraph (1),  
19 including—

20 “(A) the coordination of alcohol and sub-  
21 stance abuse programs of the Service, the Bu-  
22 reau of Indian Affairs, and Indian Tribes and  
23 Tribal Organizations (developed under the In-  
24 dian Alcohol and Substance Abuse Prevention  
25 and Treatment Act of 1986 (25 U.S.C. 2401 et

1           seq.)) with behavioral health initiatives pursu-  
2           ant to this Act, particularly with respect to the  
3           referral and treatment of dually diagnosed indi-  
4           viduals requiring behavioral health and sub-  
5           stance abuse treatment; and

6           “(B) ensuring that the Bureau of Indian  
7           Affairs and Service programs and services (in-  
8           cluding multidisciplinary resource teams) ad-  
9           dressing child abuse and family violence are co-  
10          ordinated with such non-Federal programs and  
11          services.

12          “(7) Directing appropriate officials of the Bu-  
13          reau of Indian Affairs and the Service, particularly  
14          at the agency and Service Unit levels, to cooperate  
15          fully with tribal requests made pursuant to commu-  
16          nity behavioral health plans adopted under section  
17          701(c) and section 4206 of the Indian Alcohol and  
18          Substance Abuse Prevention and Treatment Act of  
19          1986 (25 U.S.C. 2412).

20          “(8) Providing for an annual review of such  
21          agreement by the Secretaries which shall be provided  
22          to Congress and Indian Tribes and Tribal Organiza-  
23          tions.

24          “(b) SPECIFIC PROVISIONS REQUIRED.—The memo-  
25          randa of agreement updated or entered into pursuant to

1 subsection (a) shall include specific provisions pursuant to  
2 which the Service shall assume responsibility for—

3 “(1) the determination of the scope of the prob-  
4 lem of alcohol and substance abuse among Indians,  
5 including the number of Indians within the jurisdic-  
6 tion of the Service who are directly or indirectly af-  
7 fected by alcohol and substance abuse and the finan-  
8 cial and human cost;

9 “(2) an assessment of the existing and needed  
10 resources necessary for the prevention of alcohol and  
11 substance abuse and the treatment of Indians af-  
12 fected by alcohol and substance abuse; and

13 “(3) an estimate of the funding necessary to  
14 adequately support a program of prevention of alco-  
15 hol and substance abuse and treatment of Indians  
16 affected by alcohol and substance abuse.

17 “(c) PUBLICATION.—Each memorandum of agree-  
18 ment entered into or renewed (and amendments or modi-  
19 fications thereto) under subsection (a) shall be published  
20 in the Federal Register. At the same time as publication  
21 in the Federal Register, the Secretary shall provide a copy  
22 of such memoranda, amendment, or modification to each  
23 Indian Tribe, Tribal Organization, and Urban Indian Or-  
24 ganization.

1 **“SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PRE-**  
2 **VENTION AND TREATMENT PROGRAM.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary, acting  
5 through the Service, Indian Tribes, and Tribal Orga-  
6 nizations, shall provide a program of comprehensive  
7 behavioral health, prevention, treatment, and  
8 aftercare, which shall include—

9 “(A) prevention, through educational inter-  
10 vention, in Indian communities;

11 “(B) acute detoxification, psychiatric hos-  
12 pitalization, residential, and intensive outpatient  
13 treatment;

14 “(C) community-based rehabilitation and  
15 aftercare;

16 “(D) community education and involve-  
17 ment, including extensive training of health  
18 care, educational, and community-based per-  
19 sonnel;

20 “(E) specialized residential treatment pro-  
21 grams for high-risk populations, including preg-  
22 nant and postpartum women and their children;  
23 and

24 “(F) diagnostic services.

25 “(2) TARGET POPULATIONS.—The target popu-  
26 lation of such programs shall be members of Indian

1 Tribes. Efforts to train and educate key members of  
2 the Indian community shall also target employees of  
3 health, education, judicial, law enforcement, legal,  
4 and social service programs.

5 “(b) CONTRACT HEALTH SERVICES.—

6 “(1) IN GENERAL.—The Secretary, acting  
7 through the Service, Indian Tribes, and Tribal Orga-  
8 nizations, may enter into contracts with public or  
9 private providers of behavioral health treatment  
10 services for the purpose of carrying out the program  
11 required under subsection (a).

12 “(2) PROVISION OF ASSISTANCE.—In carrying  
13 out this subsection, the Secretary shall provide as-  
14 sistance to Indian Tribes and Tribal Organizations  
15 to develop criteria for the certification of behavioral  
16 health service providers and accreditation of service  
17 facilities which meet minimum standards for such  
18 services and facilities.

19 **“SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.**

20 “(a) IN GENERAL.—Under the authority of the Act  
21 of November 2, 1921 (25 U.S.C. 13) (commonly known  
22 as the ‘Snyder Act’), the Secretary shall establish and  
23 maintain a mental health technician program within the  
24 Service which—

1           “(1) provides for the training of Indians as  
2           mental health technicians; and

3           “(2) employs such technicians in the provision  
4           of community-based mental health care that includes  
5           identification, prevention, education, referral, and  
6           treatment services.

7           “(b) PARAPROFESSIONAL TRAINING.—In carrying  
8           out subsection (a), the Secretary, acting through the Serv-  
9           ice, Indian Tribes, and Tribal Organizations, shall provide  
10          high-standard paraprofessional training in mental health  
11          care necessary to provide quality care to the Indian com-  
12          munities to be served. Such training shall be based upon  
13          a curriculum developed or approved by the Secretary  
14          which combines education in the theory of mental health  
15          care with supervised practical experience in the provision  
16          of such care.

17          “(c) SUPERVISION AND EVALUATION OF TECHNI-  
18          CIANS.—The Secretary, acting through the Service, Indian  
19          Tribes, and Tribal Organizations, shall supervise and  
20          evaluate the mental health technicians in the training pro-  
21          gram.

22          “(d) TRADITIONAL HEALTH CARE PRACTICES.—The  
23          Secretary, acting through the Service, shall ensure that  
24          the program established pursuant to this subsection in-



1 involves the use and promotion of the traditional health care  
2 practices of the Indian Tribes to be served.

3 **“SEC. 705. LICENSING REQUIREMENT FOR MENTAL**  
4 **HEALTH CARE WORKERS.**

5 “(a) IN GENERAL.—Subject to the provisions of sec-  
6 tion 221, and except as provided in subsection (b), any  
7 individual employed as a psychologist, social worker, or  
8 marriage and family therapist for the purpose of providing  
9 mental health care services to Indians in a clinical setting  
10 under this Act is required to be licensed as a psychologist,  
11 social worker, or marriage and family therapist, respec-  
12 tively.

13 “(b) TRAINEES.—An individual may be employed as  
14 a trainee in psychology, social work, or marriage and fam-  
15 ily therapy to provide mental health care services de-  
16 scribed in subsection (a) if such individual—

17 “(1) works under the direct supervision of a li-  
18 censed psychologist, social worker, or marriage and  
19 family therapist, respectively;

20 “(2) is enrolled in or has completed at least 2  
21 years of course work at a post-secondary, accredited  
22 education program for psychology, social work, mar-  
23 riage and family therapy, or counseling; and

1           “(3) meets such other training, supervision, and  
2           quality review requirements as the Secretary may es-  
3           tablish.

4   **“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.**

5           “(a) GRANTS.—The Secretary, consistent with sec-  
6           tion 701, may make grants to Indian Tribes, Tribal Orga-  
7           nizations, and Urban Indian Organizations to develop and  
8           implement a comprehensive behavioral health program of  
9           prevention, intervention, treatment, and relapse preven-  
10          tion services that specifically addresses the cultural, his-  
11          torical, social, and child care needs of Indian women, re-  
12          gardless of age.

13          “(b) USE OF GRANT FUNDS.—A grant made pursu-  
14          ant to this section may be used to—

15               “(1) develop and provide community training,  
16               education, and prevention programs for Indian  
17               women relating to behavioral health issues, including  
18               fetal alcohol disorders;

19               “(2) identify and provide psychological services,  
20               counseling, advocacy, support, and relapse preven-  
21               tion to Indian women and their families; and

22               “(3) develop prevention and intervention models  
23               for Indian women which incorporate traditional  
24               health care practices, cultural values, and commu-  
25               nity and family involvement.

1       “(c) CRITERIA.—The Secretary, in consultation with  
2 Indian Tribes and Tribal Organizations, shall establish  
3 criteria for the review and approval of applications and  
4 proposals for funding under this section.

5       “(d) EARMARK OF CERTAIN FUNDS.—Twenty per-  
6 cent of the funds appropriated pursuant to this section  
7 shall be used to make grants to Urban Indian Organiza-  
8 tions.

9       **“SEC. 707. INDIAN YOUTH PROGRAM.**

10       “(a) DETOXIFICATION AND REHABILITATION.—The  
11 Secretary, acting through the Service, consistent with sec-  
12 tion 701, shall develop and implement a program for acute  
13 detoxification and treatment for Indian youths, including  
14 behavioral health services. The program shall include re-  
15 gional treatment centers designed to include detoxification  
16 and rehabilitation for both sexes on a referral basis and  
17 programs developed and implemented by Indian Tribes or  
18 Tribal Organizations at the local level under the Indian  
19 Self-Determination and Education Assistance Act (25  
20 U.S.C. 450 et seq.). Regional centers shall be integrated  
21 with the intake and rehabilitation programs based in the  
22 referring Indian community.

23       “(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT  
24 CENTERS OR FACILITIES.—

25       “(1) ESTABLISHMENT.—

1           “(A) IN GENERAL.—The Secretary, acting  
2           through the Service, Indian Tribes, and Tribal  
3           Organizations, shall construct, renovate, or, as  
4           necessary, purchase, and appropriately staff  
5           and operate, at least 1 youth regional treatment  
6           center or treatment network in each area under  
7           the jurisdiction of an Area Office.

8           “(B) AREA OFFICE IN CALIFORNIA.—For  
9           the purposes of this subsection, the Area Office  
10          in California shall be considered to be 2 Area  
11          Offices, 1 office whose jurisdiction shall be con-  
12          sidered to encompass the northern area of the  
13          State of California, and 1 office whose jurisdic-  
14          tion shall be considered to encompass the re-  
15          mainder of the State of California for the pur-  
16          pose of implementing California treatment net-  
17          works.

18          “(2) FUNDING.—For the purpose of staffing  
19          and operating such centers or facilities, funding  
20          shall be pursuant to the Act of November 2, 1921  
21          (25 U.S.C. 13).

22          “(3) LOCATION.—A youth treatment center  
23          constructed or purchased under this subsection shall  
24          be constructed or purchased at a location within the  
25          area described in paragraph (1) agreed upon (by ap-

1 appropriate tribal resolution) by a majority of the In-  
2 dian Tribes to be served by such center.

3 “(4) SPECIFIC PROVISION OF FUNDS.—

4 “(A) IN GENERAL.—Notwithstanding any  
5 other provision of this title, the Secretary may,  
6 from amounts authorized to be appropriated for  
7 the purposes of carrying out this section, make  
8 funds available to—

9 “(i) the Tanana Chiefs Conference,  
10 Incorporated, for the purpose of leasing,  
11 constructing, renovating, operating, and  
12 maintaining a residential youth treatment  
13 facility in Fairbanks, Alaska; and

14 “(ii) the Southeast Alaska Regional  
15 Health Corporation to staff and operate a  
16 residential youth treatment facility without  
17 regard to the proviso set forth in section  
18 4(l) of the Indian Self-Determination and  
19 Education Assistance Act (25 U.S.C.  
20 450b(l)).

21 “(B) PROVISION OF SERVICES TO ELIGI-  
22 BLE YOUTHS.—Until additional residential  
23 youth treatment facilities are established in  
24 Alaska pursuant to this section, the facilities  
25 specified in subparagraph (A) shall make every

1 effort to provide services to all eligible Indian  
2 youths residing in Alaska.

3 “(c) INTERMEDIATE ADOLESCENT BEHAVIORAL  
4 HEALTH SERVICES.—

5 “(1) IN GENERAL.—The Secretary, acting  
6 through the Service, Indian Tribes, and Tribal Orga-  
7 nizations, may provide intermediate behavioral  
8 health services to Indian children and adolescents,  
9 including—

10 “(A) pretreatment assistance;

11 “(B) inpatient, outpatient, and aftercare  
12 services;

13 “(C) emergency care;

14 “(D) suicide prevention and crisis interven-  
15 tion; and

16 “(E) prevention and treatment of mental  
17 illness and dysfunctional and self-destructive  
18 behavior, including child abuse and family vio-  
19 lence.

20 “(2) USE OF FUNDS.—Funds provided under  
21 this subsection may be used—

22 “(A) to construct or renovate an existing  
23 health facility to provide intermediate behav-  
24 ioral health services;

1           “(B) to hire behavioral health profes-  
2           sionals;

3           “(C) to staff, operate, and maintain an in-  
4           termediate mental health facility, group home,  
5           sober housing, transitional housing or similar  
6           facilities, or youth shelter where intermediate  
7           behavioral health services are being provided;

8           “(D) to make renovations and hire appro-  
9           priate staff to convert existing hospital beds  
10          into adolescent psychiatric units; and

11          “(E) for intensive home- and community-  
12          based services.

13          “(3) CRITERIA.—The Secretary, acting through  
14          the Service, shall, in consultation with Indian Tribes  
15          and Tribal Organizations, establish criteria for the  
16          review and approval of applications or proposals for  
17          funding made available pursuant to this subsection.

18          “(d) FEDERALLY-OWNED STRUCTURES.—

19                 “(1) IN GENERAL.—The Secretary, in consulta-  
20                 tion with Indian Tribes and Tribal Organizations,  
21                 shall—

22                         “(A) identify and use, where appropriate,  
23                         federally-owned structures suitable for local res-  
24                         idential or regional behavioral health treatment  
25                         for Indian youths; and

1           “(B) establish guidelines for determining  
2           the suitability of any such federally-owned  
3           structure to be used for local residential or re-  
4           gional behavioral health treatment for Indian  
5           youths.

6           “(2) TERMS AND CONDITIONS FOR USE OF  
7           STRUCTURE.—Any structure described in paragraph  
8           (1) may be used under such terms and conditions as  
9           may be agreed upon by the Secretary and the agency  
10          having responsibility for the structure and any In-  
11          dian Tribe or Tribal Organization operating the pro-  
12          gram.

13          “(e) REHABILITATION AND AFTERCARE SERVICES.—

14               “(1) IN GENERAL.—The Secretary, Indian  
15          Tribes, or Tribal Organizations, in cooperation with  
16          the Secretary of the Interior, shall develop and im-  
17          plement within each Service Unit, community-based  
18          rehabilitation and follow-up services for Indian  
19          youths who are having significant behavioral health  
20          problems, and require long-term treatment, commu-  
21          nity reintegration, and monitoring to support the In-  
22          dian youths after their return to their home commu-  
23          nity.

24               “(2) ADMINISTRATION.—Services under para-  
25          graph (1) shall be provided by trained staff within



1 the community who can assist the Indian youths in  
2 their continuing development of self-image, positive  
3 problem-solving skills, and nonalcohol or substance  
4 abusing behaviors. Such staff may include alcohol  
5 and substance abuse counselors, mental health pro-  
6 fessionals, and other health professionals and para-  
7 professionals, including community health represent-  
8 atives.

9 “(f) INCLUSION OF FAMILY IN YOUTH TREATMENT  
10 PROGRAM.—In providing the treatment and other services  
11 to Indian youths authorized by this section, the Secretary,  
12 acting through the Service, Indian Tribes, and Tribal Or-  
13 ganizations, shall provide for the inclusion of family mem-  
14 bers of such youths in the treatment programs or other  
15 services as may be appropriate. Not less than 10 percent  
16 of the funds appropriated for the purposes of carrying out  
17 subsection (e) shall be used for outpatient care of adult  
18 family members related to the treatment of an Indian  
19 youth under that subsection.

20 “(g) MULTIDRUG ABUSE PROGRAM.—The Secretary,  
21 acting through the Service, Indian Tribes, Tribal Organi-  
22 zations, and Urban Indian Organizations, shall provide,  
23 consistent with section 701, programs and services to pre-  
24 vent and treat the abuse of multiple forms of substances,  
25 including alcohol, drugs, inhalants, and tobacco, among

1 Indian youths residing in Indian communities, on or near  
2 reservations, and in urban areas and provide appropriate  
3 mental health services to address the incidence of mental  
4 illness among such youths.

5 “(h) INDIAN YOUTH MENTAL HEALTH.—The Sec-  
6 retary, acting through the Service, shall collect data for  
7 the report under section 801 with respect to—

8 “(1) the number of Indian youth who are being  
9 provided mental health services through the Service  
10 and Tribal Health Programs;

11 “(2) a description of, and costs associated with,  
12 the mental health services provided for Indian youth  
13 through the Service and Tribal Health Programs;

14 “(3) the number of youth referred to the Serv-  
15 ice or Tribal Health Programs for mental health  
16 services;

17 “(4) the number of Indian youth provided resi-  
18 dential treatment for mental health and behavioral  
19 problems through the Service and Tribal Health  
20 Programs, reported separately for on- and off-res-  
21 ervation facilities; and

22 “(5) the costs of the services described in para-  
23 graph (4).

1 **“SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEM-**  
2 **ONSTRATION PROJECT.**

3 “(a) PURPOSE.—The purpose of this section is to au-  
4 thorize the Secretary to carry out a demonstration project  
5 to test the use of telemental health services in suicide pre-  
6 vention, intervention and treatment of Indian youth, in-  
7 cluding through—

8 “(1) the use of psychotherapy, psychiatric as-  
9 sessments, diagnostic interviews, therapies for men-  
10 tal health conditions predisposing to suicide, and al-  
11 cohol and substance abuse treatment;

12 “(2) the provision of clinical expertise to, con-  
13 sultation services with, and medical advice and train-  
14 ing for frontline health care providers working with  
15 Indian youth;

16 “(3) training and related support for commu-  
17 nity leaders, family members and health and edu-  
18 cation workers who work with Indian youth;

19 “(4) the development of culturally-relevant edu-  
20 cational materials on suicide; and

21 “(5) data collection and reporting.

22 “(b) DEFINITIONS.—For the purpose of this section,  
23 the following definitions shall apply:

24 “(1) DEMONSTRATION PROJECT.—The term  
25 ‘demonstration project’ means the Indian youth tele-

1       mental health demonstration project authorized  
2       under subsection (c).

3               “(2) TELEMENTAL HEALTH.—The term ‘tele-  
4       mental health’ means the use of electronic informa-  
5       tion and telecommunications technologies to support  
6       long distance mental health care, patient and profes-  
7       sional-related education, public health, and health  
8       administration.

9               “(c) AUTHORIZATION.—

10              “(1) IN GENERAL.—The Secretary is authorized  
11       to award grants under the demonstration project for  
12       the provision of telemental health services to Indian  
13       youth who—

14                      “(A) have expressed suicidal ideas;

15                      “(B) have attempted suicide; or

16                      “(C) have mental health conditions that in-  
17       crease or could increase the risk of suicide.

18              “(2) ELIGIBILITY FOR GRANTS.—Such grants  
19       shall be awarded to Indian Tribes and Tribal Orga-  
20       nizations that operate 1 or more facilities—

21                      “(A) located in Alaska and part of the  
22       Alaska Federal Health Care Access Network;

23                      “(B) reporting active clinical telehealth ca-  
24       pabilities; or

1           “(C) offering school-based telemental  
2 health services relating to psychiatry to Indian  
3 youth.

4           “(3) GRANT PERIOD.—The Secretary shall  
5 award grants under this section for a period of up  
6 to 4 years.

7           “(4) AWARDING OF GRANTS.—Not more than 5  
8 grants shall be provided under paragraph (1), with  
9 priority consideration given to Indian Tribes and  
10 Tribal Organizations that—

11           “(A) serve a particular community or geo-  
12 graphic area where there is a demonstrated  
13 need to address Indian youth suicide;

14           “(B) enter in to collaborative partnerships  
15 with Indian Health Service or Tribal Health  
16 Programs or facilities to provide services under  
17 this demonstration project;

18           “(C) serve an isolated community or geo-  
19 graphic area which has limited or no access to  
20 behavioral health services; or

21           “(D) operate a detention facility at which  
22 Indian youth are detained.

23           “(d) USE OF FUNDS.—

1           “(1) IN GENERAL.—An Indian Tribe or Tribal  
2           Organization shall use a grant received under sub-  
3           section (c) for the following purposes:

4                   “(A) To provide telemental health services  
5           to Indian youth, including the provision of—

6                           “(i) psychotherapy;

7                           “(ii) psychiatric assessments and di-  
8                   agnostic interviews, therapies for mental  
9                   health conditions predisposing to suicide,  
10                  and treatment; and

11                          “(iii) alcohol and substance abuse  
12                  treatment.

13                   “(B) To provide clinician-interactive med-  
14           ical advice, guidance and training, assistance in  
15           diagnosis and interpretation, crisis counseling  
16           and intervention, and related assistance to  
17           Service, tribal, or urban clinicians and health  
18           services providers working with youth being  
19           served under this demonstration project.

20                   “(C) To assist, educate and train commu-  
21           nity leaders, health education professionals and  
22           paraprofessionals, tribal outreach workers, and  
23           family members who work with the youth re-  
24           ceiving telemental health services under this  
25           demonstration project, including with identifica-

tion of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

“(D) To develop and distribute culturally appropriate community educational materials on—

“(i) suicide prevention;

“(ii) suicide education;

“(iii) suicide screening;

“(iv) suicide intervention; and

“(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

“(E) For data collection and reporting related to Indian youth suicide prevention efforts.

“(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

“(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organiza-

1 tion shall prepare and submit to the Secretary an applica-  
2 tion, at such time, in such manner, and containing such  
3 information as the Secretary may require, including—

4 “(1) a description of the project that the Indian  
5 Tribe or Tribal Organization will carry out using the  
6 funds provided under the grant;

7 “(2) a description of the manner in which the  
8 project funded under the grant would—

9 “(A) meet the telemental health care needs  
10 of the Indian youth population to be served by  
11 the project; or

12 “(B) improve the access of the Indian  
13 youth population to be served to suicide preven-  
14 tion and treatment services;

15 “(3) evidence of support for the project from  
16 the local community to be served by the project;

17 “(4) a description of how the families and lead-  
18 ership of the communities or populations to be  
19 served by the project would be involved in the devel-  
20 opment and ongoing operations of the project;

21 “(5) a plan to involve the tribal community of  
22 the youth who are provided services by the project  
23 in planning and evaluating the mental health care  
24 and suicide prevention efforts provided, in order to  
25 ensure the integration of community, clinical, envi-



1       ronmental, and cultural components of the treat-  
2       ment; and

3               “(6) a plan for sustaining the project after Fed-  
4       eral assistance for the demonstration project has ter-  
5       minated.

6       “(f) COLLABORATION; REPORTING TO NATIONAL  
7       CLEARINGHOUSE.—

8               “(1) COLLABORATION.—The Secretary, acting  
9       through the Service, shall encourage Indian Tribes  
10      and Tribal Organizations receiving grants under this  
11      section to collaborate to enable comparisons about  
12      best practices across projects.

13              “(2) REPORTING TO NATIONAL CLEARING-  
14      HOUSE.—The Secretary, acting through the Service,  
15      shall also encourage Indian Tribes and Tribal Orga-  
16      nizations receiving grants under this section to sub-  
17      mit relevant, declassified project information to the  
18      national clearinghouse authorized under section  
19      701(b)(2) in order to better facilitate program per-  
20      formance and improve suicide prevention, interven-  
21      tion, and treatment services.

22       “(g) ANNUAL REPORT.—Each grant recipient shall  
23      submit to the Secretary an annual report that—

24              “(1) describes the number of telemental health  
25      services provided; and

1           “(2) includes any other information that the  
2       Secretary may require.

3       “(h) REPORT TO CONGRESS.—Not later than 270  
4       days after the termination of the demonstration project,  
5       the Secretary shall submit to the Committee on Indian Af-  
6       fairs of the Senate and the Committee on Natural Re-  
7       sources and Committee on Energy and Commerce of the  
8       House of Representatives a final report, based on the an-  
9       nual reports provided by grant recipients under subsection  
10      (h), that—

11           “(1) describes the results of the projects funded  
12       by grants awarded under this section, including any  
13       data available which indicates the number of at-  
14       tempted suicides;

15           “(2) evaluates the impact of the telemental  
16       health services funded by the grants in reducing the  
17       number of completed suicides among Indian youth;

18           “(3) evaluates whether the demonstration  
19       project should be—

20           “(A) expanded to provide more than 5  
21       grants; and

22           “(B) designated a permanent program;  
23       and

1           “(4) evaluates the benefits of expanding the  
2       demonstration project to include Urban Indian Or-  
3       ganizations.

4           “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
5       authorized to be appropriated to carry out this section  
6       \$1,500,000 for each of fiscal years 2008 through 2011.

7       **“SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL**  
8                   **HEALTH FACILITIES DESIGN, CONSTRUC-**  
9                   **TION, AND STAFFING.**

10       “Not later than 1 year after the date of enactment  
11       of the Indian Health Care Improvement Act Amendments  
12       of 2007, the Secretary, acting through the Service, Indian  
13       Tribes, and Tribal Organizations, may provide, in each  
14       area of the Service, not less than 1 inpatient mental health  
15       care facility, or the equivalent, for Indians with behavioral  
16       health problems. For the purposes of this subsection, Cali-  
17       fornia shall be considered to be 2 Area Offices, 1 office  
18       whose location shall be considered to encompass the north-  
19       ern area of the State of California and 1 office whose ju-  
20       risdiction shall be considered to encompass the remainder  
21       of the State of California. The Secretary shall consider  
22       the possible conversion of existing, underused Service hos-  
23       pital beds into psychiatric units to meet such need.

1   **“SEC. 710. TRAINING AND COMMUNITY EDUCATION.**

2           “(a) PROGRAM.—The Secretary, in cooperation with  
3 the Secretary of the Interior, shall develop and implement  
4 or assist Indian Tribes and Tribal Organizations to de-  
5 velop and implement, within each Service Unit or tribal  
6 program, a program of community education and involve-  
7 ment which shall be designed to provide concise and timely  
8 information to the community leadership of each tribal  
9 community. Such program shall include education about  
10 behavioral health issues to political leaders, Tribal judges,  
11 law enforcement personnel, members of tribal health and  
12 education boards, health care providers including tradi-  
13 tional practitioners, and other critical members of each  
14 tribal community. Such program may also include commu-  
15 nity-based training to develop local capacity and tribal  
16 community provider training for prevention, intervention,  
17 treatment, and aftercare.

18           “(b) INSTRUCTION.—The Secretary, acting through  
19 the Service, shall, either directly or through Indian Tribes  
20 and Tribal Organizations, provide instruction in the area  
21 of behavioral health issues, including instruction in crisis  
22 intervention and family relations in the context of alcohol  
23 and substance abuse, child sexual abuse, youth alcohol and  
24 substance abuse, and the causes and effects of fetal alco-  
25 hol disorders to appropriate employees of the Bureau of  
26 Indian Affairs and the Service, and to personnel in schools

1 or programs operated under any contract with the Bureau  
2 of Indian Affairs or the Service, including supervisors of  
3 emergency shelters and halfway houses described in sec-  
4 tion 4213 of the Indian Alcohol and Substance Abuse Pre-  
5 vention and Treatment Act of 1986 (25 U.S.C. 2433).

6 “(c) TRAINING MODELS.—In carrying out the edu-  
7 cation and training programs required by this section, the  
8 Secretary, in consultation with Indian Tribes, Tribal Or-  
9 ganizations, Indian behavioral health experts, and Indian  
10 alcohol and substance abuse prevention experts, shall de-  
11 velop and provide community-based training models. Such  
12 models shall address—

13 “(1) the elevated risk of alcohol and behavioral  
14 health problems faced by children of alcoholics;

15 “(2) the cultural, spiritual, and  
16 multigenerational aspects of behavioral health prob-  
17 lem prevention and recovery; and

18 “(3) community-based and multidisciplinary  
19 strategies for preventing and treating behavioral  
20 health problems.

21 **“SEC. 711. BEHAVIORAL HEALTH PROGRAM.**

22 “(a) INNOVATIVE PROGRAMS.—The Secretary, acting  
23 through the Service, Indian Tribes, and Tribal Organiza-  
24 tions, consistent with section 701, may plan, develop, im-

1 plement, and carry out programs to deliver innovative  
2 community-based behavioral health services to Indians.

3 “(b) AWARDS; CRITERIA.—The Secretary may award  
4 a grant for a project under subsection (a) to an Indian  
5 Tribe or Tribal Organization and may consider the fol-  
6 lowing criteria:

7 “(1) The project will address significant unmet  
8 behavioral health needs among Indians.

9 “(2) The project will serve a significant number  
10 of Indians.

11 “(3) The project has the potential to deliver  
12 services in an efficient and effective manner.

13 “(4) The Indian Tribe or Tribal Organization  
14 has the administrative and financial capability to ad-  
15 minister the project.

16 “(5) The project may deliver services in a man-  
17 ner consistent with traditional health care practices.

18 “(6) The project is coordinated with, and avoids  
19 duplication of, existing services.

20 “(c) EQUITABLE TREATMENT.—For purposes of this  
21 subsection, the Secretary shall, in evaluating project appli-  
22 cations or proposals, use the same criteria that the Sec-  
23 retary uses in evaluating any other application or proposal  
24 for such funding.

1 **“SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.**

2 “(a) PROGRAMS.—

3 “(1) ESTABLISHMENT.—The Secretary, con-  
4 sistent with section 701, acting through the Service,  
5 Indian Tribes, and Tribal Organizations, is author-  
6 ized to establish and operate fetal alcohol disorder  
7 programs as provided in this section for the pur-  
8 poses of meeting the health status objectives speci-  
9 fied in section 3.

10 “(2) USE OF FUNDS.—

11 “(A) IN GENERAL.—Funding provided  
12 pursuant to this section shall be used for the  
13 following:

14 “(i) To develop and provide for Indi-  
15 ans community and in-school training, edu-  
16 cation, and prevention programs relating  
17 to fetal alcohol disorders.

18 “(ii) To identify and provide behav-  
19 ioral health treatment to high-risk Indian  
20 women and high-risk women pregnant with  
21 an Indian’s child.

22 “(iii) To identify and provide appro-  
23 priate psychological services, educational  
24 and vocational support, counseling, advoca-  
25 cacy, and information to fetal alcohol dis-

1 order affected Indians and their families or  
2 caretakers.

3 “(iv) To develop and implement coun-  
4 seling and support programs in schools for  
5 fetal alcohol disorder affected Indian chil-  
6 dren.

7 “(v) To develop prevention and inter-  
8 vention models which incorporate practi-  
9 tioners of traditional health care practices,  
10 cultural values, and community involve-  
11 ment.

12 “(vi) To develop, print, and dissemi-  
13 nate education and prevention materials on  
14 fetal alcohol disorder.

15 “(vii) To develop and implement, in  
16 consultation with Indian Tribes, Tribal Or-  
17 ganizations, and Urban Indian Organiza-  
18 tions, culturally sensitive assessment and  
19 diagnostic tools including dysmorphology  
20 clinics and multidisciplinary fetal alcohol  
21 disorder clinics for use in Indian commu-  
22 nities and Urban Centers.

23 “(B) ADDITIONAL USES.—In addition to  
24 any purpose under subparagraph (A), funding



1 provided pursuant to this section may be used  
2 for 1 or more of the following:

3 “(i) Early childhood intervention  
4 projects from birth on to mitigate the ef-  
5 fects of fetal alcohol disorder among Indi-  
6 ans.

7 “(ii) Community-based support serv-  
8 ices for Indians and women pregnant with  
9 Indian children.

10 “(iii) Community-based housing for  
11 adult Indians with fetal alcohol disorder.

12 “(3) CRITERIA FOR APPLICATIONS.—The Sec-  
13 retary shall establish criteria for the review and ap-  
14 proval of applications for funding under this section.

15 “(b) SERVICES.—The Secretary, acting through the  
16 Service and Indian Tribes, Tribal Organizations, and  
17 Urban Indian Organizations, shall—

18 “(1) develop and provide services for the pre-  
19 vention, intervention, treatment, and aftercare for  
20 those affected by fetal alcohol disorder in Indian  
21 communities; and

22 “(2) provide supportive services, including serv-  
23 ices to meet the special educational, vocational,  
24 school-to-work transition, and independent living

1 needs of adolescent and adult Indians with fetal al-  
2 cohol disorder.

3 “(c) TASK FORCE.—The Secretary shall establish a  
4 task force to be known as the Fetal Alcohol Disorder Task  
5 Force to advise the Secretary in carrying out subsection  
6 (b). Such task force shall be composed of representatives  
7 from the following:

8 “(1) The National Institute on Drug Abuse.

9 “(2) The National Institute on Alcohol and Al-  
10 coholism.

11 “(3) The Office of Substance Abuse Prevention.

12 “(4) The National Institute of Mental Health.

13 “(5) The Service.

14 “(6) The Office of Minority Health of the De-  
15 partment of Health and Human Services.

16 “(7) The Administration for Native Americans.

17 “(8) The National Institute of Child Health  
18 and Human Development (NICHD).

19 “(9) The Centers for Disease Control and Pre-  
20 vention.

21 “(10) The Bureau of Indian Affairs.

22 “(11) Indian Tribes.

23 “(12) Tribal Organizations.

24 “(13) Urban Indian Organizations.

25 “(14) Indian fetal alcohol disorder experts.

1       “(d) APPLIED RESEARCH PROJECTS.—The Sec-  
 2 retary, acting through the Substance Abuse and Mental  
 3 Health Services Administration, shall make grants to In-  
 4 dian Tribes, Tribal Organizations, and Urban Indian Or-  
 5 ganizations for applied research projects which propose to  
 6 elevate the understanding of methods to prevent, inter-  
 7 vene, treat, or provide rehabilitation and behavioral health  
 8 aftercare for Indians and Urban Indians affected by fetal  
 9 alcohol disorder.

10       “(e) FUNDING FOR URBAN INDIAN ORGANIZA-  
 11 TIONS.—Ten percent of the funds appropriated pursuant  
 12 to this section shall be used to make grants to Urban In-  
 13 dian Organizations funded under title V.

14       **“SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREAT-**  
 15                               **MENT PROGRAMS.**

16       “(a) ESTABLISHMENT.—The Secretary, acting  
 17 through the Service, and the Secretary of the Interior, In-  
 18 dian Tribes, and Tribal Organizations, shall establish,  
 19 consistent with section 701, in every Service Area, pro-  
 20 grams involving treatment for—

- 21               “(1) victims of sexual abuse who are Indian  
 22               children or children in an Indian household; and  
 23               “(2) perpetrators of child sexual abuse who are  
 24               Indian or members of an Indian household.

1       “(b) USE OF FUNDS.—Funding provided pursuant to  
2 this section shall be used for the following:

3           “(1) To develop and provide community edu-  
4 cation and prevention programs related to sexual  
5 abuse of Indian children or children in an Indian  
6 household.

7           “(2) To identify and provide behavioral health  
8 treatment to victims of sexual abuse who are Indian  
9 children or children in an Indian household, and to  
10 their family members who are affected by sexual  
11 abuse.

12           “(3) To develop prevention and intervention  
13 models which incorporate traditional health care  
14 practices, cultural values, and community involve-  
15 ment.

16           “(4) To develop and implement culturally sen-  
17 sitive assessment and diagnostic tools for use in In-  
18 dian communities and Urban Centers.

19           “(5) To identify and provide behavioral health  
20 treatment to Indian perpetrators and perpetrators  
21 who are members of an Indian household—

22           “(A) making efforts to begin offender and  
23 behavioral health treatment while the perpe-  
24 trator is incarcerated or at the earliest possible  
25 date if the perpetrator is not incarcerated; and

1                   “(B) providing treatment after the perpe-  
2                   trator is released, until it is determined that the  
3                   perpetrator is not a threat to children.

4           “(c) COORDINATION.—The programs established  
5 under subsection (a) shall be carried out in coordination  
6 with programs and services authorized under the Indian  
7 Child Protection and Family Violence Prevention Act (25  
8 U.S.C. 3201 et seq.).

9   **“SEC. 714. BEHAVIORAL HEALTH RESEARCH.**

10           “The Secretary, in consultation with appropriate  
11 Federal agencies, shall make grants to, or enter into con-  
12 tracts with, Indian Tribes, Tribal Organizations, and  
13 Urban Indian Organizations or enter into contracts with,  
14 or make grants to appropriate institutions for, the conduct  
15 of research on the incidence and prevalence of behavioral  
16 health problems among Indians served by the Service, In-  
17 dian Tribes, or Tribal Organizations and among Indians  
18 in urban areas. Research priorities under this section shall  
19 include—

20                   “(1) the multifactorial causes of Indian youth  
21                   suicide, including—

22                           “(A) protective and risk factors and sci-  
23                   entific data that identifies those factors; and

1 “(B) the effects of loss of cultural identity  
2 and the development of scientific data on those  
3 effects;

4           “(2) the interrelationship and interdependence  
5       of behavioral health problems with alcoholism and  
6       other substance abuse, suicide, homicides, other in-  
7       juries, and the incidence of family violence; and

8 “(3) the development of models of prevention  
9 techniques.

10 The effect of the interrelationships and interdependencies  
11 referred to in paragraph (2) on children, and the develop-  
12 ment of prevention techniques under paragraph (3) appli-  
13 cable to children, shall be emphasized.

14   **“SEC. 715. DEFINITIONS.**

15       “For the purpose of this title, the following defini-  
16   tions shall apply:

“(1) ASSESSMENT.—The term ‘assessment’ means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

“ (2) ALCOHOL-RELATED  
NEURODEVELOPMENTAL DISORDERS OR ARND.—The  
term ‘alcohol-related neurodevelopmental disorders’  
or ‘ARND’ means, with a history of maternal alco-  
hol consumption during pregnancy, central nervous

1 system involvement such as developmental delay, in-  
2 tellectual deficit, or neurologic abnormalities. Behav-  
3 iorally, there can be problems with irritability, and  
4 failure to thrive as infants. As children become older  
5 there will likely be hyperactivity, attention deficit,  
6 language dysfunction, and perceptual and judgment  
7 problems.

8 “(3) BEHAVIORAL HEALTH AFTERCARE.—The  
9 term ‘behavioral health aftercare’ includes those ac-  
10 tivities and resources used to support recovery fol-  
11 lowing inpatient, residential, intensive substance  
12 abuse, or mental health outpatient or outpatient  
13 treatment. The purpose is to help prevent or deal  
14 with relapse by ensuring that by the time a client or  
15 patient is discharged from a level of care, such as  
16 outpatient treatment, an aftercare plan has been de-  
17 veloped with the client. An aftercare plan may use  
18 such resources as a community-based therapeutic  
19 group, transitional living facilities, a 12-step spon-  
20 sor, a local 12-step or other related support group,  
21 and other community-based providers.

22 “(4) DUAL DIAGNOSIS.—The term ‘dual diag-  
23 nosis’ means coexisting substance abuse and mental  
24 illness conditions or diagnosis. Such clients are

1 sometimes referred to as mentally ill chemical abus-  
 2 ers (MICAs).

3 “(5) FETAL ALCOHOL DISORDERS.—The term  
 4 ‘fetal alcohol disorders’ means fetal alcohol syn-  
 5 drome, partial fetal alcohol syndrome and alcohol re-  
 6 lated neurodevelopmental disorder (ARND).

7 “(6) FETAL ALCOHOL SYNDROME OR FAS.—  
 8 The term ‘fetal alcohol syndrome’ or ‘FAS’ means a  
 9 syndrome in which, with a history of maternal alco-  
 10 hol consumption during pregnancy, the following cri-  
 11 teria are met:

12 “(A) Central nervous system involvement  
 13 such as developmental delay, intellectual deficit,  
 14 microencephaly, or neurologic abnormalities.

15 “(B) Craniofacial abnormalities with at  
 16 least 2 of the following: microphthalmia, short  
 17 palpebral fissures, poorly developed philtrum,  
 18 thin upper lip, flat nasal bridge, and short  
 19 upturned nose.

20 “(C) Prenatal or postnatal growth delay.

21 “(7) PARTIAL FAS.—The term ‘partial FAS’  
 22 means, with a history of maternal alcohol consump-  
 23 tion during pregnancy, having most of the criteria of  
 24 FAS, though not meeting a minimum of at least 2  
 25 of the following: microphthalmia, short palpebral



1 fissures, poorly developed philtrum, thin upper lip,  
2 flat nasal bridge, and short upturned nose.

3 “(8) REHABILITATION.—The term ‘rehabilita-  
4 tion’ means to restore the ability or capacity to en-  
5 gage in usual and customary life activities through  
6 education and therapy.

7 “(9) SUBSTANCE ABUSE.—The term ‘substance  
8 abuse’ includes inhalant abuse.

9 **“SEC. 716. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated such sums  
11 as may be necessary for each fiscal year through fiscal  
12 year 2017 to carry out the provisions of this title.

13 **“TITLE VIII—MISCELLANEOUS**

14 **“SEC. 801. REPORTS.**

15 “For each fiscal year following the date of enactment  
16 of the Indian Health Care Improvement Act Amendments  
17 of 2007, the Secretary shall transmit to Congress a report  
18 containing the following:

19 “(1) A report on the progress made in meeting  
20 the objectives of this Act, including a review of pro-  
21 grams established or assisted pursuant to this Act  
22 and assessments and recommendations of additional  
23 programs or additional assistance necessary to, at a  
24 minimum, provide health services to Indians and en-  
25 sure a health status for Indians, which are at a par-

1       ity with the health services available to and the  
2       health status of the general population.

3           “(2) A report on whether, and to what extent,  
4       new national health care programs, benefits, initia-  
5       tives, or financing systems have had an impact on  
6       the purposes of this Act and any steps that the Sec-  
7       retary may have taken to consult with Indian Tribes,  
8       Tribal Organizations, and Urban Indian Organiza-  
9       tions to address such impact, including a report on  
10      proposed changes in allocation of funding pursuant  
11      to section 808.

12          “(3) A report on the use of health services by  
13      Indians—

14           “(A) on a national and area or other rel-  
15      evant geographical basis;

16           “(B) by gender and age;

17           “(C) by source of payment and type of  
18      service;

19           “(D) comparing such rates of use with  
20      rates of use among comparable non-Indian pop-  
21      ulations; and

22           “(E) provided under contracts.

23          “(4) A report of contractors to the Secretary on  
24      Health Care Educational Loan Repayments every 6  
25      months required by section 110.

1           “(5) A general audit report of the Secretary on  
2           the Health Care Educational Loan Repayment Pro-  
3           gram as required by section 110(n).

4           “(6) A report of the findings and conclusions of  
5           demonstration programs on development of edu-  
6           cational curricula for substance abuse counseling as  
7           required in section 125(f).

8           “(7) A separate statement which specifies the  
9           amount of funds requested to carry out the provi-  
10          sions of section 201.

11          “(8) A report of the evaluations of health pro-  
12          motion and disease prevention as required in section  
13          203(c).

14          “(9) A biennial report to Congress on infectious  
15          diseases as required by section 212.

16          “(10) A report on environmental and nuclear  
17          health hazards as required by section 215.

18          “(11) An annual report on the status of all  
19          health care facilities needs as required by section  
20          301(c)(2)(B) and 301(d).

21          “(12) Reports on safe water and sanitary waste  
22          disposal facilities as required by section 302(h).

23          “(13) An annual report on the expenditure of  
24          non-Service funds for renovation as required by sec-  
25          tions 304(b)(2).

1           “(14) A report identifying the backlog of main-  
2           tenance and repair required at Service and tribal fa-  
3           cilities required by section 313(a).

4           “(15) A report providing an accounting of reim-  
5           bursement funds made available to the Secretary  
6           under titles XVIII, XIX, and XXI of the Social Se-  
7           curity Act.

8           “(16) A report on any arrangements for the  
9           sharing of medical facilities or services, as author-  
10          ized by section 406.

11          “(17) A report on evaluation and renewal of  
12          Urban Indian programs under section 505.

13          “(18) A report on the evaluation of programs  
14          as required by section 513(d).

15          “(19) A report on alcohol and substance abuse  
16          as required by section 701(f).

17          “(20) A report on Indian youth mental health  
18          services as required by section 707(h).

19          “(21) A report on the reallocation of base re-  
20          sources if required by section 808.

21   **“SEC. 802. REGULATIONS.**

22          “(a) DEADLINES.—

23               “(1) PROCEDURES.—Not later than 90 days  
24               after the date of enactment of the Indian Health  
25               Care Improvement Act Amendments of 2007, the

1 Secretary shall initiate procedures under subchapter  
2 III of chapter 5 of title 5, United States Code, to  
3 negotiate and promulgate such regulations or  
4 amendments thereto that are necessary to carry out  
5 titles II (except section 202) and VII, the sections  
6 of title III for which negotiated rulemaking is spe-  
7 cifically required, and section 807. Unless otherwise  
8 required, the Secretary may promulgate regulations  
9 to carry out titles I, III, IV, and V, and section 202,  
10 using the procedures required by chapter V of title  
11 5, United States Code (commonly known as the ‘Ad-  
12 ministrative Procedure Act’).

13 “(2) PROPOSED REGULATIONS.—Proposed reg-  
14 ulations to implement this Act shall be published in  
15 the Federal Register by the Secretary no later than  
16 2 years after the date of enactment of the Indian  
17 Health Care Improvement Act Amendments of 2007  
18 and shall have no less than a 120-day comment pe-  
19 riod.

20 “(3) FINAL REGULATIONS.—The Secretary  
21 shall publish in the Federal Register final regula-  
22 tions to implement this Act by not later than 3 years  
23 after the date of enactment of the Indian Health  
24 Care Improvement Act Amendments of 2007.

1       “(b) COMMITTEE.—A negotiated rulemaking com-  
2 mittee established pursuant to section 565 of title 5,  
3 United States Code, to carry out this section shall have  
4 as its members only representatives of the Federal Gov-  
5 ernment and representatives of Indian Tribes, and Tribal  
6 Organizations, a majority of whom shall be nominated by  
7 and be representatives of Indian Tribes and Tribal Orga-  
8 nizations from each Service Area.

9       “(c) ADAPTATION OF PROCEDURES.—The Secretary  
10 shall adapt the negotiated rulemaking procedures to the  
11 unique context of self-governance and the government-to-  
12 government relationship between the United States and  
13 Indian Tribes.

14       “(d) LACK OF REGULATIONS.—The lack of promul-  
15 gated regulations shall not limit the effect of this Act.

16       “(e) INCONSISTENT REGULATIONS.—The provisions  
17 of this Act shall supersede any conflicting provisions of  
18 law in effect on the day before the date of enactment of  
19 the Indian Health Care Improvement Act Amendments of  
20 2007, and the Secretary is authorized to repeal any regu-  
21 lation inconsistent with the provisions of this Act.

22       **“SEC. 803. PLAN OF IMPLEMENTATION.**

23       “Not later than 9 months after the date of enactment  
24 of the Indian Health Care Improvement Act Amendments  
25 of 2007, the Secretary, in consultation with Indian Tribes,

1 Tribal Organizations, and Urban Indian Organizations,  
2 shall submit to Congress a plan explaining the manner and  
3 schedule, by title and section, by which the Secretary will  
4 implement the provisions of this Act. This consultation  
5 may be conducted jointly with the annual budget consulta-  
6 tion pursuant to the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450 et seq).

8 **“SEC. 804. AVAILABILITY OF FUNDS.**

9 “The funds appropriated pursuant to this Act shall  
10 remain available until expended.

11 **“SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED**  
12 **TO INDIAN HEALTH SERVICE.**

13 “Any limitation on the use of funds contained in an  
14 Act providing appropriations for the Department for a pe-  
15 riod with respect to the performance of abortions shall  
16 apply for that period with respect to the performance of  
17 abortions using funds contained in an Act providing ap-  
18 propriations for the Service.

19 **“SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.**

20 “(a) IN GENERAL.—The following California Indians  
21 shall be eligible for health services provided by the Service:

22 “(1) Any member of a federally recognized In-  
23 dian Tribe.

1           “(2) Any descendant of an Indian who was re-  
 2           siding in California on June 1, 1852, if such de-  
 3           scendant—

4                   “(A) is a member of the Indian community  
 5           served by a local program of the Service; and

6                   “(B) is regarded as an Indian by the com-  
 7           munity in which such descendant lives.

8           “(3) Any Indian who holds trust interests in  
 9           public domain, national forest, or reservation allot-  
 10          ments in California.

11          “(4) Any Indian in California who is listed on  
 12          the plans for distribution of the assets of rancherias  
 13          and reservations located within the State of Cali-  
 14          fornia under the Act of August 18, 1958 (72 Stat.  
 15          619), and any descendant of such an Indian.

16          “(b) CLARIFICATION.—Nothing in this section may  
 17          be construed as expanding the eligibility of California Indi-  
 18          ans for health services provided by the Service beyond the  
 19          scope of eligibility for such health services that applied on  
 20          May 1, 1986.

21       **“SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

22          “(a) CHILDREN.—Any individual who—

23                   “(1) has not attained 19 years of age;



1           “(2) is the natural or adopted child, stepchild,  
2       foster child, legal ward, or orphan of an eligible In-  
3       dian; and

4           “(3) is not otherwise eligible for health services  
5       provided by the Service,

6       shall be eligible for all health services provided by the  
7       Service on the same basis and subject to the same rules  
8       that apply to eligible Indians until such individual attains  
9       19 years of age. The existing and potential health needs  
10      of all such individuals shall be taken into consideration  
11      by the Service in determining the need for, or the alloca-  
12      tion of, the health resources of the Service. If such an indi-  
13      vidual has been determined to be legally incompetent prior  
14      to attaining 19 years of age, such individual shall remain  
15      eligible for such services until 1 year after the date of a  
16      determination of competency.

17       “(b) SPOUSES.—Any spouse of an eligible Indian who  
18      is not an Indian, or who is of Indian descent but is not  
19      otherwise eligible for the health services provided by the  
20      Service, shall be eligible for such health services if all such  
21      spouses or spouses who are married to members of each  
22      Indian Tribe being served are made eligible, as a class,  
23      by an appropriate resolution of the governing body of the  
24      Indian Tribe or Tribal Organization providing such serv-  
25      ices. The health needs of persons made eligible under this

1 paragraph shall not be taken into consideration by the  
2 Service in determining the need for, or allocation of, its  
3 health resources.

4 “(c) PROVISION OF SERVICES TO OTHER INDIVID-  
5 UALS.—

6 “(1) IN GENERAL.—The Secretary is authorized  
7 to provide health services under this subsection  
8 through health programs operated directly by the  
9 Service to individuals who reside within the Service  
10 Unit and who are not otherwise eligible for such  
11 health services if—

12 “(A) the Indian Tribes served by such  
13 Service Unit request such provision of health  
14 services to such individuals; and

15 “(B) the Secretary and the served Indian  
16 Tribes have jointly determined that—

17 “(i) the provision of such health serv-  
18 ices will not result in a denial or diminu-  
19 tion of health services to eligible Indians;  
20 and

21 “(ii) there is no reasonable alternative  
22 health facilities or services, within or with-  
23 out the Service Unit, available to meet the  
24 health needs of such individuals.

1           “(2) ISDEAA PROGRAMS.—In the case of  
2           health programs and facilities operated under a con-  
3           tract or compact entered into under the Indian Self-  
4           Determination and Education Assistance Act (25  
5           U.S.C. 450 et seq.), the governing body of the In-  
6           dian Tribe or Tribal Organization providing health  
7           services under such contract or compact is author-  
8           ized to determine whether health services should be  
9           provided under such contract to individuals who are  
10          not eligible for such health services under any other  
11          subsection of this section or under any other provi-  
12          sion of law. In making such determinations, the gov-  
13          erning body of the Indian Tribe or Tribal Organiza-  
14          tion shall take into account the considerations de-  
15          scribed in paragraph (1)(B).

16          “(3) PAYMENT FOR SERVICES.—

17                 “(A) IN GENERAL.—Persons receiving  
18                 health services provided by the Service under  
19                 this subsection shall be liable for payment of  
20                 such health services under a schedule of charges  
21                 prescribed by the Secretary which, in the judg-  
22                 ment of the Secretary, results in reimbursement  
23                 in an amount not less than the actual cost of  
24                 providing the health services. Notwithstanding  
25                 section 404 of this Act or any other provision

1 of law, amounts collected under this subsection,  
 2 including Medicare, Medicaid, or SCHIP reim-  
 3 bursements under titles XVIII, XIX, and XXI  
 4 of the Social Security Act, shall be credited to  
 5 the account of the program providing the serv-  
 6 ice and shall be used for the purposes listed in  
 7 section 401(d)(2) and amounts collected under  
 8 this subsection shall be available for expendi-  
 9 ture within such program.

10 “(B) INDIGENT PEOPLE.—Health services  
 11 may be provided by the Secretary through the  
 12 Service under this subsection to an indigent in-  
 13 dividual who would not be otherwise eligible for  
 14 such health services but for the provisions of  
 15 paragraph (1) only if an agreement has been  
 16 entered into with a State or local government  
 17 under which the State or local government  
 18 agrees to reimburse the Service for the expenses  
 19 incurred by the Service in providing such health  
 20 services to such indigent individual.

21 “(4) REVOCATION OF CONSENT FOR SERV-  
 22 ICES.—

23 “(A) SINGLE TRIBE SERVICE AREA.—In  
 24 the case of a Service Area which serves only 1  
 25 Indian Tribe, the authority of the Secretary to

1 provide health services under paragraph (1)  
2 shall terminate at the end of the fiscal year suc-  
3 ceeding the fiscal year in which the governing  
4 body of the Indian Tribe revokes its concur-  
5 rence to the provision of such health services.

6 “(B) MULTITRIBAL SERVICE AREA.—In  
7 the case of a multitribal Service Area, the au-  
8 thority of the Secretary to provide health serv-  
9 ices under paragraph (1) shall terminate at the  
10 end of the fiscal year succeeding the fiscal year  
11 in which at least 51 percent of the number of  
12 Indian Tribes in the Service Area revoke their  
13 concurrence to the provisions of such health  
14 services.

15 “(d) OTHER SERVICES.—The Service may provide  
16 health services under this subsection to individuals who  
17 are not eligible for health services provided by the Service  
18 under any other provision of law in order to—

19 “(1) achieve stability in a medical emergency;

20 “(2) prevent the spread of a communicable dis-  
21 ease or otherwise deal with a public health hazard;

22 “(3) provide care to non-Indian women preg-  
23 nant with an eligible Indian’s child for the duration  
24 of the pregnancy through postpartum; or

1           “(4) provide care to immediate family members  
2           of an eligible individual if such care is directly re-  
3           lated to the treatment of the eligible individual.

4           “(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—  
5   Hospital privileges in health facilities operated and main-  
6   tained by the Service or operated under a contract or com-  
7   pact pursuant to the Indian Self-Determination and Edu-  
8   cation Assistance Act (25 U.S.C. 450 et seq.) may be ex-  
9   tended to non-Service health care practitioners who pro-  
10   vide services to individuals described in subsection (a), (b),  
11   (c), or (d). Such non-Service health care practitioners  
12   may, as part of the privileging process, be designated as  
13   employees of the Federal Government for purposes of sec-  
14   tion 1346(b) and chapter 171 of title 28, United States  
15   Code (relating to Federal tort claims) only with respect  
16   to acts or omissions which occur in the course of providing  
17   services to eligible individuals as a part of the conditions  
18   under which such hospital privileges are extended.

19           “(f) ELIGIBLE INDIAN.—For purposes of this sec-  
20   tion, the term ‘eligible Indian’ means any Indian who is  
21   eligible for health services provided by the Service without  
22   regard to the provisions of this section.

23   **“SEC. 808. REALLOCATION OF BASE RESOURCES.**

24           “(a) REPORT REQUIRED.—Notwithstanding any  
25   other provision of law, any allocation of Service funds for

1 a fiscal year that reduces by 5 percent or more from the  
2 previous fiscal year the funding for any recurring pro-  
3 gram, project, or activity of a Service Unit may be imple-  
4 mented only after the Secretary has submitted to Con-  
5 gress, under section 801, a report on the proposed change  
6 in allocation of funding, including the reasons for the  
7 change and its likely effects.

8 “(b) EXCEPTION.—Subsection (a) shall not apply if  
9 the total amount appropriated to the Service for a fiscal  
10 year is at least 5 percent less than the amount appro-  
11 priated to the Service for the previous fiscal year.

12 **“SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.**

13 “The Secretary shall provide for the dissemination to  
14 Indian Tribes, Tribal Organizations, and Urban Indian  
15 Organizations of the findings and results of demonstration  
16 projects conducted under this Act.

17 **“SEC. 810. PROVISION OF SERVICES IN MONTANA.**

18 “(a) CONSISTENT WITH COURT DECISION.—The  
19 Secretary, acting through the Service, shall provide serv-  
20 ices and benefits for Indians in Montana in a manner con-  
21 sistent with the decision of the United States Court of Ap-  
22 peals for the Ninth Circuit in *McNabb for McNabb v.*  
23 *Bowen*, 829 F.2d 787 (9th Cir. 1987).

24 “(b) CLARIFICATION.—The provisions of subsection  
25 (a) shall not be construed to be an expression of the sense

1 of Congress on the application of the decision described  
2 in subsection (a) with respect to the provision of services  
3 or benefits for Indians living in any State other than Mon-  
4 tana.

5 **“SEC. 811. MORATORIUM.**

6 “During the period of the moratorium imposed on  
7 implementation of the final rule published in the Federal  
8 Register on September 16, 1987, by the Department of  
9 Health and Human Services, relating to eligibility for the  
10 health care services of the Indian Health Service, the In-  
11 dian Health Service shall provide services pursuant to the  
12 criteria for eligibility for such services that were in effect  
13 on September 15, 1987, subject to the provisions of sec-  
14 tions 806 and 807, until the Service has submitted to the  
15 Committees on Appropriations of the Senate and the  
16 House of Representatives a budget request reflecting the  
17 increased costs associated with the proposed final rule,  
18 and the request has been included in an appropriations  
19 Act and enacted into law.

20 **“SEC. 812. TRIBAL EMPLOYMENT.**

21 “For purposes of section 2(2) of the Act of July 5,  
22 1935 (49 Stat. 450, chapter 372), an Indian Tribe or  
23 Tribal Organization carrying out a contract or compact  
24 pursuant to the Indian Self-Determination and Education



1 Assistance Act (25 U.S.C. 450 et seq.) shall not be consid-  
2 ered an ‘employer’.

3 **“SEC. 813. SEVERABILITY PROVISIONS.**

4 “If any provision of this Act, any amendment made  
5 by the Act, or the application of such provision or amend-  
6 ment to any person or circumstances is held to be invalid,  
7 the remainder of this Act, the remaining amendments  
8 made by this Act, and the application of such provisions  
9 to persons or circumstances other than those to which it  
10 is held invalid, shall not be affected thereby.

11 **“SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN**  
12 **COMMISSION ON INDIAN HEALTH CARE.**

13 “(a) ESTABLISHMENT.—There is established the Na-  
14 tional Bipartisan Indian Health Care Commission (the  
15 ‘Commission’).

16 “(b) DUTIES OF COMMISSION.—The duties of the  
17 Commission are the following:

18 “(1) To establish a study committee composed  
19 of those members of the Commission appointed by  
20 the Director of the Service and at least 4 members  
21 of Congress from among the members of the Com-  
22 mission, the duties of which shall be the following:

23 “(A) To the extent necessary to carry out  
24 its duties, collect and compile data necessary to  
25 understand the extent of Indian needs with re-

1           gard to the provision of health services, regard-  
2           less of the location of Indians, including holding  
3           hearings and soliciting the views of Indians, In-  
4           dian Tribes, Tribal Organizations, and Urban  
5           Indian Organizations, which may include au-  
6           thorizing and making funds available for feasi-  
7           bility studies of various models for providing  
8           and funding health services for all Indian bene-  
9           ficiaries, including those who live outside of a  
10          reservation, temporarily or permanently.

11                 “(B) To make legislative recommendations  
12          to the Commission regarding the delivery of  
13          Federal health care services to Indians. Such  
14          recommendations shall include those related to  
15          issues of eligibility, benefits, the range of serv-  
16          ice providers, the cost of such services, financ-  
17          ing such services, and the optimal manner in  
18          which to provide such services.

19                 “(C) To determine the effect of the enact-  
20          ment of such recommendations on (i) the exist-  
21          ing system of delivery of health services for In-  
22          dians, and (ii) the sovereign status of Indian  
23          Tribes.

24                 “(D) Not later than 12 months after the  
25          appointment of all members of the Commission,

1 to submit a written report of its findings and  
2 recommendations to the full Commission. The  
3 report shall include a statement of the minority  
4 and majority position of the Committee and  
5 shall be disseminated, at a minimum, to every  
6 Indian Tribe, Tribal Organization, and Urban  
7 Indian Organization for comment to the Com-  
8 mission.

9 “(E) To report regularly to the full Com-  
10 mission regarding the findings and rec-  
11 ommendations developed by the study com-  
12 mittee in the course of carrying out its duties  
13 under this section.

14 “(2) To review and analyze the recommenda-  
15 tions of the report of the study committee.

16 “(3) To make legislative recommendations to  
17 Congress regarding the delivery of Federal health  
18 care services to Indians. Such recommendations  
19 shall include those related to issues of eligibility,  
20 benefits, the range of service providers, the cost of  
21 such services, financing such services, and the opti-  
22 mal manner in which to provide such services.

23 “(4) Not later than 18 months following the  
24 date of appointment of all members of the Commis-  
25 sion, submit a written report to Congress regarding

1 the delivery of Federal health care services to Indi-  
2 ans. Such recommendations shall include those re-  
3 lated to issues of eligibility, benefits, the range of  
4 service providers, the cost of such services, financing  
5 such services, and the optimal manner in which to  
6 provide such services.

7 “(c) MEMBERS.—

8 “(1) APPOINTMENT.—The Commission shall be  
9 composed of 25 members, appointed as follows:

10 “(A) Ten members of Congress, including  
11 3 from the House of Representatives and 2  
12 from the Senate, appointed by their respective  
13 majority leaders, and 3 from the House of Rep-  
14 resentatives and 2 from the Senate, appointed  
15 by their respective minority leaders, and who  
16 shall be members of the standing committees of  
17 Congress that consider legislation affecting  
18 health care to Indians.

19 “(B) Twelve persons chosen by the con-  
20 gressional members of the Commission, 1 from  
21 each Service Area as currently designated by  
22 the Director of the Service to be chosen from  
23 among 3 nominees from each Service Area put  
24 forward by the Indian Tribes within the area,  
25 with due regard being given to the experience

1 and expertise of the nominees in the provision  
2 of health care to Indians and to a reasonable  
3 representation on the commission of members  
4 who are familiar with various health care deliv-  
5 ery modes and who represent Indian Tribes of  
6 various size populations.

7 “(C) Three persons appointed by the Di-  
8 rector who are knowledgeable about the provi-  
9 sion of health care to Indians, at least 1 of  
10 whom shall be appointed from among 3 nomi-  
11 nees put forward by those programs whose  
12 funds are provided in whole or in part by the  
13 Service primarily or exclusively for the benefit  
14 of Urban Indians.

15 “(D) All those persons chosen by the con-  
16 gressional members of the Commission and by  
17 the Director shall be members of federally rec-  
18 ognized Indian Tribes.

19 “(2) CHAIR; VICE CHAIR.—The Chair and Vice  
20 Chair of the Commission shall be selected by the  
21 congressional members of the Commission.

22 “(3) TERMS.—The terms of members of the  
23 Commission shall be for the life of the Commission.

24 “(4) DEADLINE FOR APPOINTMENTS.—Con-  
25 gressional members of the Commission shall be ap-

1 pointed not later than 180 days after the date of en-  
2 actment of the Indian Health Care Improvement Act  
3 Amendments of 2007, and the remaining members  
4 of the Commission shall be appointed not later than  
5 60 days following the appointment of the congres-  
6 sional members.

7 “(5) VACANCY.—A vacancy in the Commission  
8 shall be filled in the manner in which the original  
9 appointment was made.

10 “(d) COMPENSATION.—

11 “(1) CONGRESSIONAL MEMBERS.—Each con-  
12 gressional member of the Commission shall receive  
13 no additional pay, allowances, or benefits by reason  
14 of their service on the Commission and shall receive  
15 travel expenses and per diem in lieu of subsistence  
16 in accordance with sections 5702 and 5703 of title  
17 5, United States Code.

18 “(2) OTHER MEMBERS.—Remaining members  
19 of the Commission, while serving on the business of  
20 the Commission (including travel time), shall be en-  
21 titled to receive compensation at the per diem equiv-  
22 alent of the rate provided for level IV of the Execu-  
23 tive Schedule under section 5315 of title 5, United  
24 States Code, and while so serving away from home  
25 and the member’s regular place of business, a mem-

1       ber may be allowed travel expenses, as authorized by  
2       the Chairman of the Commission. For purpose of  
3       pay (other than pay of members of the Commission)  
4       and employment benefits, rights, and privileges, all  
5       personnel of the Commission shall be treated as if  
6       they were employees of the United States Senate.

7       “(e) MEETINGS.—The Commission shall meet at the  
8       call of the Chair.

9       “(f) QUORUM.—A quorum of the Commission shall  
10      consist of not less than 15 members, provided that no less  
11      than 6 of the members of Congress who are Commission  
12      members are present and no less than 9 of the members  
13      who are Indians are present.

14      “(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

15          “(1) APPOINTMENT; PAY.—The Commission  
16      shall appoint an executive director of the Commis-  
17      sion. The executive director shall be paid the rate of  
18      basic pay for level V of the Executive Schedule.

19          “(2) STAFF APPOINTMENT.—With the approval  
20      of the Commission, the executive director may ap-  
21      point such personnel as the executive director deems  
22      appropriate.

23          “(3) STAFF PAY.—The staff of the Commission  
24      shall be appointed without regard to the provisions  
25      of title 5, United States Code, governing appoint-

1       ments in the competitive service, and shall be paid  
2       without regard to the provisions of chapter 51 and  
3       subchapter III of chapter 53 of such title (relating  
4       to classification and General Schedule pay rates).

5           “(4) TEMPORARY SERVICES.—With the ap-  
6       proval of the Commission, the executive director may  
7       procure temporary and intermittent services under  
8       section 3109(b) of title 5, United States Code.

9           “(5) FACILITIES.—The Administrator of Gen-  
10      eral Services shall locate suitable office space for the  
11      operation of the Commission. The facilities shall  
12      serve as the headquarters of the Commission and  
13      shall include all necessary equipment and incidentals  
14      required for the proper functioning of the Commis-  
15      sion.

16      “(h) HEARINGS.—(1) For the purpose of carrying  
17      out its duties, the Commission may hold such hearings  
18      and undertake such other activities as the Commission de-  
19      termines to be necessary to carry out its duties, provided  
20      that at least 6 regional hearings are held in different areas  
21      of the United States in which large numbers of Indians  
22      are present. Such hearings are to be held to solicit the  
23      views of Indians regarding the delivery of health care serv-  
24      ices to them. To constitute a hearing under this sub-  
25      section, at least 5 members of the Commission, including



1 at least 1 member of Congress, must be present. Hearings  
2 held by the study committee established in this section  
3 may count toward the number of regional hearings re-  
4 quired by this subsection.

5 “(2) Upon request of the Commission, the Comp-  
6 troller General shall conduct such studies or investigations  
7 as the Commission determines to be necessary to carry  
8 out its duties.

9 “(3)(A) The Director of the Congressional Budget  
10 Office or the Chief Actuary of the Centers for Medicare  
11 & Medicaid Services, or both, shall provide to the Commis-  
12 sion, upon the request of the Commission, such cost esti-  
13 mates as the Commission determines to be necessary to  
14 carry out its duties.

15 “(B) The Commission shall reimburse the Director  
16 of the Congressional Budget Office for expenses relating  
17 to the employment in the office of that Director of such  
18 additional staff as may be necessary for the Director to  
19 comply with requests by the Commission under subpara-  
20 graph (A).

21 “(4) Upon the request of the Commission, the head  
22 of any Federal agency is authorized to detail, without re-  
23 imbursement, any of the personnel of such agency to the  
24 Commission to assist the Commission in carrying out its  
25 duties. Any such detail shall not interrupt or otherwise

1 affect the civil service status or privileges of the Federal  
2 employee.

3 “(5) Upon the request of the Commission, the head  
4 of a Federal agency shall provide such technical assistance  
5 to the Commission as the Commission determines to be  
6 necessary to carry out its duties.

7 “(6) The Commission may use the United States  
8 mails in the same manner and under the same conditions  
9 as Federal agencies and shall, for purposes of the frank,  
10 be considered a commission of Congress as described in  
11 section 3215 of title 39, United States Code.

12 “(7) The Commission may secure directly from any  
13 Federal agency information necessary to enable it to carry  
14 out its duties, if the information may be disclosed under  
15 section 552 of title 4, United States Code. Upon request  
16 of the Chairman of the Commission, the head of such  
17 agency shall furnish such information to the Commission.

18 “(8) Upon the request of the Commission, the Ad-  
19 ministrator of General Services shall provide to the Com-  
20 mission on a reimbursable basis such administrative sup-  
21 port services as the Commission may request.

22 “(9) For purposes of costs relating to printing and  
23 binding, including the cost of personnel detailed from the  
24 Government Printing Office, the Commission shall be  
25 deemed to be a committee of Congress.

1       “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated \$4,000,000 to carry out the  
 3 provisions of this section, which sum shall not be deducted  
 4 from or affect any other appropriation for health care for  
 5 Indian persons.

6       “(j) NONAPPLICABILITY OF FACA.—The Federal  
 7 Advisory Committee Act (5 U.S.C. App.) shall not apply  
 8 to the Commission.

9       **“SEC. 815. CONFIDENTIALITY OF MEDICAL QUALITY ASSUR-**  
 10                               **ANCE RECORDS; QUALIFIED IMMUNITY FOR**  
 11                               **PARTICIPANTS.**

12       “(a) CONFIDENTIALITY OF RECORDS.—Medical qual-  
 13 ity assurance records created by or for any Indian Health  
 14 Program or a health program of an Urban Indian Organi-  
 15 zation as part of a medical quality assurance program are  
 16 confidential and privileged. Such records may not be dis-  
 17 closed to any person or entity, except as provided in sub-  
 18 section (c).

19       “(b) PROHIBITION ON DISCLOSURE AND TESTI-  
 20 MONY.—

21               “(1) IN GENERAL.—No part of any medical  
 22 quality assurance record described in subsection (a)  
 23 may be subject to discovery or admitted into evi-  
 24 dence in any judicial or administrative proceeding,  
 25 except as provided in subsection (c).

1           “(2) TESTIMONY.—A person who reviews or  
2           creates medical quality assurance records for any In-  
3           dian Health Program or Urban Indian Organization  
4           who participates in any proceeding that reviews or  
5           creates such records may not be permitted or re-  
6           quired to testify in any judicial or administrative  
7           proceeding with respect to such records or with re-  
8           spect to any finding, recommendation, evaluation,  
9           opinion, or action taken by such person or body in  
10          connection with such records except as provided in  
11          this section.

12          “(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

13               “(1) IN GENERAL.—Subject to paragraph (2), a  
14               medical quality assurance record described in sub-  
15               section (a) may be disclosed, and a person referred  
16               to in subsection (b) may give testimony in connec-  
17               tion with such a record, only as follows:

18                       “(A) To a Federal executive agency or pri-  
19                       vate organization, if such medical quality assur-  
20                       ance record or testimony is needed by such  
21                       agency or organization to perform licensing or  
22                       accreditation functions related to any Indian  
23                       Health Program or to a health program of an  
24                       Urban Indian Organization to perform moni-

1           toring, required by law, of such program or or-  
2           ganization.

3           “(B) To an administrative or judicial pro-  
4           ceeding commenced by a present or former In-  
5           dian Health Program or Urban Indian Organi-  
6           zation provider concerning the termination, sus-  
7           pension, or limitation of clinical privileges of  
8           such health care provider.

9           “(C) To a governmental board or agency  
10          or to a professional health care society or orga-  
11          nization, if such medical quality assurance  
12          record or testimony is needed by such board,  
13          agency, society, or organization to perform li-  
14          censing, credentialing, or the monitoring of pro-  
15          fessional standards with respect to any health  
16          care provider who is or was an employee of any  
17          Indian Health Program or Urban Indian Orga-  
18          nization.

19          “(D) To a hospital, medical center, or  
20          other institution that provides health care serv-  
21          ices, if such medical quality assurance record or  
22          testimony is needed by such institution to as-  
23          sess the professional qualifications of any health  
24          care provider who is or was an employee of any  
25          Indian Health Program or Urban Indian Orga-

1           nization and who has applied for or been grant-  
2           ed authority or employment to provide health  
3           care services in or on behalf of such program or  
4           organization.

5           “(E) To an officer, employee, or contractor  
6           of the Indian Health Program or Urban Indian  
7           Organization that created the records or for  
8           which the records were created. If that officer,  
9           employee, or contractor has a need for such  
10          record or testimony to perform official duties.

11          “(F) To a criminal or civil law enforce-  
12          ment agency or instrumentality charged under  
13          applicable law with the protection of the public  
14          health or safety, if a qualified representative of  
15          such agency or instrumentality makes a written  
16          request that such record or testimony be pro-  
17          vided for a purpose authorized by law.

18          “(G) In an administrative or judicial pro-  
19          ceeding commenced by a criminal or civil law  
20          enforcement agency or instrumentality referred  
21          to in subparagraph (F), but only with respect  
22          to the subject of such proceeding.

23          “(2) IDENTITY OF PARTICIPANTS.—With the  
24          exception of the subject of a quality assurance ac-  
25          tion, the identity of any person receiving health care

1 services from any Indian Health Program or Urban  
2 Indian Organization or the identity of any other per-  
3 son associated with such program or organization  
4 for purposes of a medical quality assurance program  
5 that is disclosed in a medical quality assurance  
6 record described in subsection (a) shall be deleted  
7 from that record or document before any disclosure  
8 of such record is made outside such program or or-  
9 ganization. Such requirement does not apply to the  
10 release of information pursuant to section 552a of  
11 title 5.

12 “(d) DISCLOSURE FOR CERTAIN PURPOSES.—

13 “(1) IN GENERAL.—Nothing in this section  
14 shall be construed as authorizing or requiring the  
15 withholding from any person or entity aggregate sta-  
16 tistical information regarding the results of any In-  
17 dian Health Program or Urban Indian  
18 Organizations’s medical quality assurance programs.

19 “(2) WITHHOLDING FROM CONGRESS.—Noth-  
20 ing in this section shall be construed as authority to  
21 withhold any medical quality assurance record from  
22 a committee of either House of Congress, any joint  
23 committee of Congress, or the Government Account-  
24 ability Office if such record pertains to any matter  
25 within their respective jurisdictions.

1       “(e) PROHIBITION ON DISCLOSURE OF RECORD OR  
2 TESTIMONY.—A person or entity having possession of or  
3 access to a record or testimony described by this section  
4 may not disclose the contents of such record or testimony  
5 in any manner or for any purpose except as provided in  
6 this section.

7       “(f) EXEMPTION FROM FREEDOM OF INFORMATION  
8 ACT.—Medical quality assurance records described in sub-  
9 section (a) may not be made available to any person under  
10 section 552 of title 5.

11       “(g) LIMITATION ON CIVIL LIABILITY.—A person  
12 who participates in or provides information to a person  
13 or body that reviews or creates medical quality assurance  
14 records described in subsection (a) shall not be civilly lia-  
15 ble for such participation or for providing such informa-  
16 tion if the participation or provision of information was  
17 in good faith based on prevailing professional standards  
18 at the time the medical quality assurance program activity  
19 took place.

20       “(h) APPLICATION TO INFORMATION IN CERTAIN  
21 OTHER RECORDS.—Nothing in this section shall be con-  
22 strued as limiting access to the information in a record  
23 created and maintained outside a medical quality assur-  
24 ance program, including a patient’s medical records, on  
25 the grounds that the information was presented during



1 meetings of a review body that are part of a medical qual-  
2 ity assurance program.

3 “(i) REGULATIONS.—The Secretary, acting through  
4 the Service, shall promulgate regulations pursuant to sec-  
5 tion 802.

6 “(j) DEFINITIONS.—In this section:

7 “(1) The term ‘health care provider’ means any  
8 health care professional, including community health  
9 aides and practitioners certified under section 121,  
10 who are granted clinical practice privileges or em-  
11 ployed to provide health care services in an Indian  
12 Health Program or health program of an Urban In-  
13 dian Organization, who is licensed or certified to  
14 perform health care services by a governmental  
15 board or agency or professional health care society  
16 or organization.

17 “(2) The term ‘medical quality assurance pro-  
18 gram’ means any activity carried out before, on, or  
19 after the date of enactment of this Act by or for any  
20 Indian Health Program or Urban Indian Organiza-  
21 tion to assess the quality of medical care, including  
22 activities conducted by or on behalf of individuals,  
23 Indian Health Program or Urban Indian Organiza-  
24 tion medical or dental treatment review committees,  
25 or other review bodies responsible for quality assur-

1       ance, credentials, infection control, patient safety,  
2       patient care assessment (including treatment proce-  
3       dures, blood, drugs, and therapeutics), medical  
4       records, health resources management review and  
5       identification and prevention of medical or dental in-  
6       cidents and risks.

7               “(3) The term ‘medical quality assurance  
8       record’ means the proceedings, records, minutes, and  
9       reports that emanate from quality assurance pro-  
10      gram activities described in paragraph (2) and are  
11      produced or compiled by or for an Indian Health  
12      Program or Urban Indian Organization as part of a  
13      medical quality assurance program.

14   **“SEC. 816. APPROPRIATIONS; AVAILABILITY.**

15       “Any new spending authority (described in subpara-  
16      graph (A) or (B) of section 401(c)(2) of the Congressional  
17      Budget Act of 1974 (Public Law 93–344; 88 Stat. 317))  
18      which is provided under this Act shall be effective for any  
19      fiscal year only to such extent or in such amounts as are  
20      provided in appropriation Acts.

21   **“SEC. 817. AUTHORIZATION OF APPROPRIATIONS.**

22       “There are authorized to be appropriated such sums  
23      as may be necessary for each fiscal year through fiscal  
24      year 2017 to carry out this title.”.

25       (b) RATE OF PAY.—

1           (1) POSITIONS AT LEVEL IV.—Section 5315 of  
2           title 5, United States Code, is amended by striking  
3           “Assistant Secretaries of Health and Human Serv-  
4           ices (6).” and inserting “Assistant Secretaries of  
5           Health and Human Services (7)”.

6           (2) POSITIONS AT LEVEL V.—Section 5316 of  
7           title 5, United States Code, is amended by striking  
8           “Director, Indian Health Service, Department of  
9           Health and Human Services”.

10          (c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

11           (1) Section 3307(b)(1)(C) of the Children’s  
12           Health Act of 2000 (25 U.S.C. 1671 note; Public  
13           Law 106–310) is amended by striking “Director of  
14           the Indian Health Service” and inserting “Assistant  
15           Secretary for Indian Health”.

16           (2) The Indian Lands Open Dump Cleanup Act  
17           of 1994 is amended—

18                   (A) in section 3 (25 U.S.C. 3902)—

19                           (i) by striking paragraph (2);

20                           (ii) by redesignating paragraphs (1),  
21                           (3), (4), (5), and (6) as paragraphs (4),  
22                           (5), (2), (6), and (1), respectively, and  
23                           moving those paragraphs so as to appear  
24                           in numerical order; and

1 (iii) by inserting before paragraph (4)  
 2 (as redesignated by subclause (II)) the fol-  
 3 lowing:

4 “(3) ASSISTANT SECRETARY.—The term ‘As-  
 5 sistant Secretary’ means the Assistant Secretary for  
 6 Indian Health.”;

7 (B) in section 5 (25 U.S.C. 3904), by  
 8 striking the section designation and heading  
 9 and inserting the following:

10 **“SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR IN-  
 11 DIAN HEALTH.”;**

12 (C) in section 6(a) (25 U.S.C. 3905(a)), in  
 13 the subsection heading, by striking “DIREC-  
 14 TOR” and inserting “ASSISTANT SECRETARY”;

15 (D) in section 9(a) (25 U.S.C. 3908(a)), in  
 16 the subsection heading, by striking “DIREC-  
 17 TOR” and inserting “ASSISTANT SECRETARY”;  
 18 and

19 (E) by striking “Director” each place it  
 20 appears and inserting “Assistant Secretary”.

21 (3) Section 5504(d)(2) of the Augustus F.  
 22 Hawkins-Robert T. Stafford Elementary and Sec-  
 23 ondary School Improvement Amendments of 1988  
 24 (25 U.S.C. 2001 note; Public Law 100–297) is  
 25 amended by striking “Director of the Indian Health

1 Service” and inserting “Assistant Secretary for In-  
2 dian Health”.

3 (4) Section 203(a)(1) of the Rehabilitation Act  
4 of 1973 (29 U.S.C. 763(a)(1)) is amended by strik-  
5 ing “Director of the Indian Health Service” and in-  
6 serting “Assistant Secretary for Indian Health”.

7 (5) Subsections (b) and (e) of section 518 of  
8 the Federal Water Pollution Control Act (33 U.S.C.  
9 1377) are amended by striking “Director of the In-  
10 dian Health Service” each place it appears and in-  
11 serting “Assistant Secretary for Indian Health”.

12 (6) Section 317M(b) of the Public Health Serv-  
13 ice Act (42 U.S.C. 247b–14(b)) is amended—

14 (A) by striking “Director of the Indian  
15 Health Service” each place it appears and in-  
16 serting “Assistant Secretary for Indian  
17 Health”; and

18 (B) in paragraph (2)(A), by striking “the  
19 Directors referred to in such paragraph” and  
20 inserting “the Director of the Centers for Dis-  
21 ease Control and Prevention and the Assistant  
22 Secretary for Indian Health”.

23 (7) Section 417C(b) of the Public Health Serv-  
24 ice Act (42 U.S.C. 285–9(b)) is amended by striking

1 “Director of the Indian Health Service” and insert-  
 2 ing “Assistant Secretary for Indian Health”.

3 (8) Section 1452(i) of the Safe Drinking Water  
 4 Act (42 U.S.C. 300j–12(i)) is amended by striking  
 5 “Director of the Indian Health Service” each place  
 6 it appears and inserting “Assistant Secretary for In-  
 7 dian Health”.

8 (9) Section 803B(d)(1) of the Native American  
 9 Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is  
 10 amended in the last sentence by striking “Director  
 11 of the Indian Health Service” and inserting “Assist-  
 12 ant Secretary for Indian Health”.

13 (10) Section 203(b) of the Michigan Indian  
 14 Land Claims Settlement Act (Public Law 105–143;  
 15 111 Stat. 2666) is amended by striking “Director of  
 16 the Indian Health Service” and inserting “Assistant  
 17 Secretary for Indian Health”.

18 **SEC. 102. SOBOBA SANITATION FACILITIES.**

19 The Act of December 17, 1970 (84 Stat. 1465), is  
 20 amended by adding at the end the following:

21 “SEC. 9. Nothing in this Act shall preclude the  
 22 Soboba Band of Mission Indians and the Soboba Indian  
 23 Reservation from being provided with sanitation facilities  
 24 and services under the authority of section 7 of the Act

1 of August 5, 1954 (68 Stat. 674), as amended by the Act  
2 of July 31, 1959 (73 Stat. 267).”.

3 **SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS**  
4 **FOUNDATION.**

5 (a) IN GENERAL.—The Indian Self-Determination  
6 and Education Assistance Act (25 U.S.C. 450 et seq.) is  
7 amended by adding at the end the following:

8 **“TITLE VIII—NATIVE AMERICAN**  
9 **HEALTH AND WELLNESS**  
10 **FOUNDATION**

11 **“SEC. 801. DEFINITIONS.**

12 “In this title:

13 “(1) BOARD.—The term ‘Board’ means the  
14 Board of Directors of the Foundation.

15 “(2) COMMITTEE.—The term ‘Committee’  
16 means the Committee for the Establishment of Na-  
17 tive American Health and Wellness Foundation es-  
18 tablished under section 802(f).

19 “(3) FOUNDATION.—The term ‘Foundation’  
20 means the Native American Health and Wellness  
21 Foundation established under section 802.

22 “(4) SECRETARY.—The term ‘Secretary’ means  
23 the Secretary of Health and Human Services.

1           “(5) SERVICE.—The term ‘Service’ means the  
 2       Indian Health Service of the Department of Health  
 3       and Human Services.

4   **“SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS**  
 5           **FOUNDATION.**

6       “(a) ESTABLISHMENT.—

7           “(1) IN GENERAL.—As soon as practicable  
 8       after the date of enactment of this title, the Sec-  
 9       retary shall establish, under the laws of the District  
 10      of Columbia and in accordance with this title, the  
 11      Native American Health and Wellness Foundation.

12          “(2) FUNDING DETERMINATIONS.—No funds,  
 13      gift, property, or other item of value (including any  
 14      interest accrued on such an item) acquired by the  
 15      Foundation shall—

16           “(A) be taken into consideration for pur-  
 17      poses of determining Federal appropriations re-  
 18      lating to the provision of health care and serv-  
 19      ices to Indians; or

20           “(B) otherwise limit, diminish, or affect  
 21      the Federal responsibility for the provision of  
 22      health care and services to Indians.

23      “(b) PERPETUAL EXISTENCE.—The Foundation  
 24      shall have perpetual existence.

25      “(c) NATURE OF CORPORATION.—The Foundation—



1           “(1) shall be a charitable and nonprofit feder-  
2 ally chartered corporation; and

3           “(2) shall not be an agency or instrumentality  
4 of the United States.

5           “(d) PLACE OF INCORPORATION AND DOMICILE.—  
6 The Foundation shall be incorporated and domiciled in the  
7 District of Columbia.

8           “(e) DUTIES.—The Foundation shall—

9           “(1) encourage, accept, and administer private  
10 gifts of real and personal property, and any income  
11 from or interest in such gifts, for the benefit of, or  
12 in support of, the mission of the Service;

13           “(2) undertake and conduct such other activi-  
14 ties as will further the health and wellness activities  
15 and opportunities of Native Americans; and

16           “(3) participate with and assist Federal, State,  
17 and tribal governments, agencies, entities, and indi-  
18 viduals in undertaking and conducting activities that  
19 will further the health and wellness activities and op-  
20 portunities of Native Americans.

21           “(f) COMMITTEE FOR THE ESTABLISHMENT OF NA-  
22 TIVE AMERICAN HEALTH AND WELLNESS FOUNDA-  
23 TION.—

24           “(1) IN GENERAL.—The Secretary shall estab-  
25 lish the Committee for the Establishment of Native

1 American Health and Wellness Foundation to assist  
2 the Secretary in establishing the Foundation.

3 “(2) DUTIES.—Not later than 180 days after  
4 the date of enactment of this section, the Committee  
5 shall—

6 “(A) carry out such activities as are nec-  
7 essary to incorporate the Foundation under the  
8 laws of the District of Columbia, including act-  
9 ing as incorporators of the Foundation;

10 “(B) ensure that the Foundation qualifies  
11 for and maintains the status required to carry  
12 out this section, until the Board is established;

13 “(C) establish the constitution and initial  
14 bylaws of the Foundation;

15 “(D) provide for the initial operation of  
16 the Foundation, including providing for tem-  
17 porary or interim quarters, equipment, and  
18 staff; and

19 “(E) appoint the initial members of the  
20 Board in accordance with the constitution and  
21 initial bylaws of the Foundation.

22 “(g) BOARD OF DIRECTORS.—

23 “(1) IN GENERAL.—The Board of Directors  
24 shall be the governing body of the Foundation.

1           “(2) POWERS.—The Board may exercise, or  
2       provide for the exercise of, the powers of the Foun-  
3       dation.

4           “(3) SELECTION.—

5               “(A) IN GENERAL.—Subject to subpara-  
6       graph (B), the number of members of the  
7       Board, the manner of selection of the members  
8       (including the filling of vacancies), and the  
9       terms of office of the members shall be as pro-  
10      vided in the constitution and bylaws of the  
11      Foundation.

12           “(B) REQUIREMENTS.—

13               “(i) NUMBER OF MEMBERS.—The  
14       Board shall have at least 11 members, who  
15       shall have staggered terms.

16               “(ii) INITIAL VOTING MEMBERS.—The  
17       initial voting members of the Board—

18                   “(I) shall be appointed by the  
19                   Committee not later than 180 days  
20                   after the date on which the Founda-  
21                   tion is established; and

22                   “(II) shall have staggered terms.

23               “(iii) QUALIFICATION.—The members  
24       of the Board shall be United States citi-  
25       zens who are knowledgeable or experienced

1 in Native American health care and related  
2 matters.

3 “(C) COMPENSATION.—A member of the  
4 Board shall not receive compensation for service  
5 as a member, but shall be reimbursed for actual  
6 and necessary travel and subsistence expenses  
7 incurred in the performance of the duties of the  
8 Foundation.

9 “(h) OFFICERS.—

10 “(1) IN GENERAL.—The officers of the Founda-  
11 tion shall be—

12 “(A) a secretary, elected from among the  
13 members of the Board; and

14 “(B) any other officers provided for in the  
15 constitution and bylaws of the Foundation.

16 “(2) CHIEF OPERATING OFFICER.—The sec-  
17 retary of the Foundation may serve, at the direction  
18 of the Board, as the chief operating officer of the  
19 Foundation, or the Board may appoint a chief oper-  
20 ating officer, who shall serve at the direction of the  
21 Board.

22 “(3) ELECTION.—The manner of election, term  
23 of office, and duties of the officers of the Founda-  
24 tion shall be as provided in the constitution and by-  
25 laws of the Foundation.

1 “(i) POWERS.—The Foundation—

2 “(1) shall adopt a constitution and bylaws for  
3 the management of the property of the Foundation  
4 and the regulation of the affairs of the Foundation;

5 “(2) may adopt and alter a corporate seal;

6 “(3) may enter into contracts;

7 “(4) may acquire (through a gift or otherwise),  
8 own, lease, encumber, and transfer real or personal  
9 property as necessary or convenient to carry out the  
10 purposes of the Foundation;

11 “(5) may sue and be sued; and

12 “(6) may perform any other act necessary and  
13 proper to carry out the purposes of the Foundation.

14 “(j) PRINCIPAL OFFICE.—

15 “(1) IN GENERAL.—The principal office of the  
16 Foundation shall be in the District of Columbia.

17 “(2) ACTIVITIES; OFFICES.—The activities of  
18 the Foundation may be conducted, and offices may  
19 be maintained, throughout the United States in ac-  
20 cordance with the constitution and bylaws of the  
21 Foundation.

22 “(k) SERVICE OF PROCESS.—The Foundation shall  
23 comply with the law on service of process of each State  
24 in which the Foundation is incorporated and of each State  
25 in which the Foundation carries on activities.

1       “(1) LIABILITY OF OFFICERS, EMPLOYEES, AND  
2 AGENTS.—

3               “(1) IN GENERAL.—The Foundation shall be  
4 liable for the acts of the officers, employees, and  
5 agents of the Foundation acting within the scope of  
6 their authority.

7               “(2) PERSONAL LIABILITY.—A member of the  
8 Board shall be personally liable only for gross neg-  
9 ligence in the performance of the duties of the mem-  
10 ber.

11       “(m) RESTRICTIONS.—

12               “(1) LIMITATION ON SPENDING.—Beginning  
13 with the fiscal year following the first full fiscal year  
14 during which the Foundation is in operation, the ad-  
15 ministrative costs of the Foundation shall not exceed  
16 the percentage described in paragraph (2) of the  
17 sum of—

18                       “(A) the amounts transferred to the Foun-  
19 dation under subsection (o) during the pre-  
20 ceding fiscal year; and

21                       “(B) donations received from private  
22 sources during the preceding fiscal year.

23               “(2) PERCENTAGES.—The percentages referred  
24 to in paragraph (1) are—

1           “(A) for the first fiscal year described in  
2           that paragraph, 20 percent;

3           “(B) for the following fiscal year, 15 per-  
4           cent; and

5           “(C) for each fiscal year thereafter, 10  
6           percent.

7           “(3) APPOINTMENT AND HIRING.—The ap-  
8           pointment of officers and employees of the Founda-  
9           tion shall be subject to the availability of funds.

10          “(4) STATUS.—A member of the Board or offi-  
11          cer, employee, or agent of the Foundation shall not  
12          by reason of association with the Foundation be con-  
13          sidered to be an officer, employee, or agent of the  
14          United States.

15          “(n) AUDITS.—The Foundation shall comply with  
16          section 10101 of title 36, United States Code, as if the  
17          Foundation were a corporation under part B of subtitle  
18          II of that title.

19          “(o) FUNDING.—

20          “(1) AUTHORIZATION OF APPROPRIATIONS.—  
21          There is authorized to be appropriated to carry out  
22          subsection (e)(1) \$500,000 for each fiscal year, as  
23          adjusted to reflect changes in the Consumer Price  
24          Index for all-urban consumers published by the De-  
25          partment of Labor.

1           “(2) TRANSFER OF DONATED FUNDS.—The  
 2       Secretary shall transfer to the Foundation funds  
 3       held by the Department of Health and Human Serv-  
 4       ices under the Act of August 5, 1954 (42 U.S.C.  
 5       2001 et seq.), if the transfer or use of the funds is  
 6       not prohibited by any term under which the funds  
 7       were donated.

8       **“SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.**

9       “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-  
 10      ject to subsection (b), during the 5-year period beginning  
 11      on the date on which the Foundation is established, the  
 12      Secretary—

13           “(1) may provide personnel, facilities, and other  
 14      administrative support services to the Foundation;

15           “(2) may provide funds for initial operating  
 16      costs and to reimburse the travel expenses of the  
 17      members of the Board; and

18           “(3) shall require and accept reimbursements  
 19      from the Foundation for—

20           “(A) services provided under paragraph  
 21      (1); and

22           “(B) funds provided under paragraph (2).

23       “(b) REIMBURSEMENT.—Reimbursements accepted  
 24      under subsection (a)(3)—



1           “(1) shall be deposited in the Treasury of the  
2           United States to the credit of the applicable appro-  
3           priations account; and

4           “(2) shall be chargeable for the cost of pro-  
5           viding services described in subsection (a)(1) and  
6           travel expenses described in subsection (a)(2).

7           “(c) CONTINUATION OF CERTAIN SERVICES.—The  
8           Secretary may continue to provide facilities and necessary  
9           support services to the Foundation after the termination  
10          of the 5-year period specified in subsection (a) if the facili-  
11          ties and services—

12           “(1) are available; and

13           “(2) are provided on reimbursable cost basis.”.

14          (b) TECHNICAL AMENDMENTS.—The Indian Self-De-  
15          termination and Education Assistance Act is amended—

16           (1) by redesignating title V (25 U.S.C. 458bbb  
17          et seq.) as title VII;

18           (2) by redesignating sections 501, 502, and 503  
19          (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sec-  
20          tions 701, 702, and 703, respectively; and

21           (3) in subsection (a)(2) of section 702 and  
22          paragraph (2) of section 703 (as redesignated by  
23          paragraph (2)), by striking “section 501” and in-  
24          serting “section 701”.

1 **TITLE II—IMPROVEMENT OF IN-**  
2 **DIAN HEALTH CARE PRO-**  
3 **VIDED UNDER THE SOCIAL**  
4 **SECURITY ACT**

5 **SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE,**  
6 **MEDICAID, AND SCHIP FOR ALL COVERED**  
7 **SERVICES FURNISHED BY INDIAN HEALTH**  
8 **PROGRAMS.**

9 (a) MEDICAID.—

10 (1) EXPANSION TO ALL COVERED SERVICES.—

11 Section 1911 of the Social Security Act (42 U.S.C.  
12 1396j) is amended—

13 (A) by amending the heading to read as  
14 follows:

15 **“SEC. 1911. INDIAN HEALTH PROGRAMS.”;**

16 and

17 (B) by amending subsection (a) to read as  
18 follows:

19 **“(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL AS-**  
20 **SISTANCE.—**The Indian Health Service and an Indian  
21 Tribe, Tribal Organization, or an Urban Indian Organiza-  
22 tion shall be eligible for payment for medical assistance  
23 provided under a State plan or under waiver authority  
24 with respect to items and services furnished by the Indian  
25 Health Service, Indian Tribe, Tribal Organization, or

1 Urban Indian Organization if the furnishing of such serv-  
2 ices meets all the conditions and requirements which are  
3 applicable generally to the furnishing of items and services  
4 under this title and under such plan or waiver authority.”.

5 (2) COMPLIANCE WITH CONDITIONS AND RE-  
6 QUIREMENTS.—Subsection (b) of such section is  
7 amended to read as follows:

8 “(b) COMPLIANCE WITH CONDITIONS AND REQUIRE-  
9 MENTS.—A facility of the Indian Health Service or an In-  
10 dian Tribe, Tribal Organization, or an Urban Indian Or-  
11 ganization which is eligible for payment under subsection  
12 (a) with respect to the furnishing of items and services,  
13 but which does not meet all of the conditions and require-  
14 ments of this title and under a State plan or waiver au-  
15 thority which are applicable generally to such facility, shall  
16 make such improvements as are necessary to achieve or  
17 maintain compliance with such conditions and require-  
18 ments in accordance with a plan submitted to and accept-  
19 ed by the Secretary for achieving or maintaining compli-  
20 ance with such conditions and requirements, and shall be  
21 deemed to meet such conditions and requirements (and to  
22 be eligible for payment under this title), without regard  
23 to the extent of its actual compliance with such conditions  
24 and requirements, during the first 12 months after the  
25 month in which such plan is submitted.”.

1           (3) REVISION OF AUTHORITY TO ENTER INTO  
2       AGREEMENTS.—Subsection (c) of such section is  
3       amended to read as follows:

4       “(c) AUTHORITY TO ENTER INTO AGREEMENTS.—  
5       The Secretary may enter into an agreement with a State  
6       for the purpose of reimbursing the State for medical as-  
7       sistance provided by the Indian Health Service, an Indian  
8       Tribe, Tribal Organization, or an Urban Indian Organiza-  
9       tion (as so defined), directly, through referral, or under  
10      contracts or other arrangements between the Indian  
11      Health Service, an Indian Tribe, Tribal Organization, or  
12      an Urban Indian Organization and another health care  
13      provider to Indians who are eligible for medical assistance  
14      under the State plan or under waiver authority.”.

15           (4) CROSS-REFERENCES TO SPECIAL FUND FOR  
16      IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING  
17      OPTION; DEFINITIONS.—Such section is further  
18      amended by striking subsection (d) and adding at  
19      the end the following new subsections:

20      “(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FA-  
21      CILITIES.—For provisions relating to the authority of the  
22      Secretary to place payments to which a facility of the In-  
23      dian Health Service is eligible for payment under this title  
24      into a special fund established under section 401(c)(1) of  
25      the Indian Health Care Improvement Act, and the require-

1 ment to use amounts paid from such fund for making im-  
 2 provements in accordance with subsection (b), see sub-  
 3 paragraphs (A) and (B) of section 401(c)(1) of such Act.

4 “(e) DIRECT BILLING.—For provisions relating to  
 5 the authority of a Tribal Health Program or an Urban  
 6 Indian Organization to elect to directly bill for, and receive  
 7 payment for, health care items and services provided by  
 8 such Program or Organization for which payment is made  
 9 under this title, see section 401(d) of the Indian Health  
 10 Care Improvement Act.

11 “(f) DEFINITIONS.—In this section, the terms ‘In-  
 12 dian Health Program’, ‘Indian Tribe’, ‘Tribal Health Pro-  
 13 gram’, ‘Tribal Organization’, and ‘Urban Indian Organi-  
 14 zation’ have the meanings given those terms in section 4  
 15 of the Indian Health Care Improvement Act.”.

16 (b) MEDICARE.—

17 (1) EXPANSION TO ALL COVERED SERVICES.—

18 Section 1880 of such Act (42 U.S.C. 1395qq) is  
 19 amended—

20 (A) by amending the heading to read as  
 21 follows:

22 **“SEC. 1880. INDIAN HEALTH PROGRAMS.”;**

23 and

24 (B) by amending subsection (a) to read as  
 25 follows:

1       “(a) ELIGIBILITY FOR PAYMENTS.—Subject to sub-  
2 section (e), the Indian Health Service and an Indian  
3 Tribe, Tribal Organization, or an Urban Indian Organiza-  
4 tion shall be eligible for payments under this title with  
5 respect to items and services furnished by the Indian  
6 Health Service, Indian Tribe, Tribal Organization, or  
7 Urban Indian Organization if the furnishing of such serv-  
8 ices meets all the conditions and requirements which are  
9 applicable generally to the furnishing of items and services  
10 under this title.”.

11           (2) COMPLIANCE WITH CONDITIONS AND RE-  
12 QUIREMENTS.—Subsection (b) of such section is  
13 amended to read as follows:

14       “(b) COMPLIANCE WITH CONDITIONS AND REQUIRE-  
15 MENTS.—Subject to subsection (e), a facility of the Indian  
16 Health Service or an Indian Tribe, Tribal Organization,  
17 or an Urban Indian Organization which is eligible for pay-  
18 ment under subsection (a) with respect to the furnishing  
19 of items and services, but which does not meet all of the  
20 conditions and requirements of this title which are applica-  
21 ble generally to such facility, shall make such improve-  
22 ments as are necessary to achieve or maintain compliance  
23 with such conditions and requirements in accordance with  
24 a plan submitted to and accepted by the Secretary for  
25 achieving or maintaining compliance with such conditions

1 and requirements, and shall be deemed to meet such con-  
 2 ditions and requirements (and to be eligible for payment  
 3 under this title), without regard to the extent of its actual  
 4 compliance with such conditions and requirements, during  
 5 the first 12 months after the month in which such plan  
 6 is submitted.”.

7 (3) CROSS-REFERENCES TO SPECIAL FUND FOR  
 8 IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING  
 9 OPTION; DEFINITIONS.—

10 (A) IN GENERAL.—Such section is further  
 11 amended by striking subsections (c) and (d)  
 12 and inserting the following new subsections:

13 “(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FA-  
 14 CILITIES.—For provisions relating to the authority of the  
 15 Secretary to place payments to which a facility of the In-  
 16 dian Health Service is eligible for payment under this title  
 17 into a special fund established under section 401(c)(1) of  
 18 the Indian Health Care Improvement Act, and the require-  
 19 ment to use amounts paid from such fund for making im-  
 20 provements in accordance with subsection (b), see sub-  
 21 paragraphs (A) and (B) of section 401(c)(1) of such Act.

22 “(d) DIRECT BILLING.—For provisions relating to  
 23 the authority of a Tribal Health Program or an Urban  
 24 Indian Organization to elect to directly bill for, and receive  
 25 payment for, health care items and services provided by

1 such Program or Organization for which payment is made  
 2 under this title, see section 401(d) of the Indian Health  
 3 Care Improvement Act.”.

4 (B) CONFORMING AMENDMENT.—Para-  
 5 graph (3) of section 1880(e) of such Act (42  
 6 U.S.C. 1395qq(e)) is amended by inserting  
 7 “and section 401(c)(1) of the Indian Health  
 8 Care Improvement Act” after “Subsection (c)”.

9 (4) DEFINITIONS.—Such section is further  
 10 amended by amending subsection (f) to read as fol-  
 11 lows:

12 “(f) DEFINITIONS.—In this section, the terms ‘In-  
 13 dian Health Program’, ‘Indian Tribe’, ‘Service Unit’,  
 14 ‘Tribal Health Program’, ‘Tribal Organization’, and  
 15 ‘Urban Indian Organization’ have the meanings given  
 16 those terms in section 4 of the Indian Health Care Im-  
 17 provement Act.”.

18 (c) APPLICATION TO SCHIP.—Section 2107(e)(1) of  
 19 the Social Security Act (42 U.S.C. 1397gg(e)(1)) is  
 20 amended—

21 (1) by redesignating subparagraph (D) as sub-  
 22 paragraph (E); and

23 (2) by inserting after subparagraph (C), the fol-  
 24 lowing new subparagraph:



1           “(D) Section 1911 (relating to Indian  
2           Health Programs, other than subsection (d) of  
3           such section).”.

4   **SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MED-**  
5           **ICAID AND SCHIP AND IMPROVED COOPERA-**  
6           **TION IN THE PROVISION OF ITEMS AND**  
7           **SERVICES TO INDIANS UNDER SOCIAL SECU-**  
8           **RITY ACT HEALTH BENEFIT PROGRAMS.**

9           Section 1139 of the Social Security Act (42 U.S.C.  
10   1320b–9) is amended to read as follows:

11   **“SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF,**  
12           **HEALTH CARE FOR INDIANS UNDER TITLES**  
13           **XVIII, XIX, AND XXI.**

14           “(a) AGREEMENTS WITH STATES FOR MEDICAID  
15   AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO  
16   INCREASE THE ENROLLMENT OF INDIANS IN THOSE  
17   PROGRAMS.—

18           “(1) IN GENERAL.—In order to improve the ac-  
19   cess of Indians residing on or near a reservation to  
20   obtain benefits under the Medicaid and State chil-  
21   dren’s health insurance programs established under  
22   titles XIX and XXI, the Secretary shall encourage  
23   the State to take steps to provide for enrollment on  
24   or near the reservation. Such steps may include out-  
25   reach efforts such as the outstationing of eligibility

1 workers, entering into agreements with the Indian  
2 Health Service, Indian Tribes, Tribal Organizations,  
3 and Urban Indian Organizations to provide out-  
4 reach, education regarding eligibility and benefits,  
5 enrollment, and translation services when such serv-  
6 ices are appropriate.

7 “(2) CONSTRUCTION.—Nothing in subpara-  
8 graph (A) shall be construed as affecting arrange-  
9 ments entered into between States and the Indian  
10 Health Service, Indian Tribes, Tribal Organizations,  
11 or Urban Indian Organizations for such Service,  
12 Tribes, or Organizations to conduct administrative  
13 activities under such titles.

14 “(b) REQUIREMENT TO FACILITATE COOPERA-  
15 TION.—The Secretary, acting through the Centers for  
16 Medicare & Medicaid Services, shall take such steps as are  
17 necessary to facilitate cooperation with, and agreements  
18 between, States and the Indian Health Service, Indian  
19 Tribes, Tribal Organizations, or Urban Indian Organiza-  
20 tions with respect to the provision of health care items  
21 and services to Indians under the programs established  
22 under title XVIII, XIX, or XXI.

23 “(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN  
24 HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN IN-  
25 DIAN ORGANIZATION.—In this section, the terms ‘Indian’,

1 ‘Indian Tribe’, ‘Indian Health Program’, ‘Tribal Organi-  
 2 zation’, and ‘Urban Indian Organization’ have the mean-  
 3 ings given those terms in section 4 of the Indian Health  
 4 Care Improvement Act.”.

5 **SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUT-**  
 6 **REACH TO, AND ENROLLMENT OF, INDIANS**  
 7 **IN SCHIP AND MEDICAID.**

8 (a) NONAPPLICATION OF 10 PERCENT LIMIT ON  
 9 OUTREACH AND CERTAIN OTHER EXPENDITURES.—Sec-  
 10 tion 2105(c)(2) of the Social Security Act (42 U.S.C.  
 11 1397ee(c)(2)) is amended by adding at the end the fol-  
 12 lowing new subparagraph:

13 “(C) NONAPPLICATION TO EXPENDITURES  
 14 FOR OUTREACH TO INCREASE THE ENROLL-  
 15 MENT OF INDIAN CHILDREN UNDER THIS TITLE  
 16 AND TITLE XIX.—The limitation under sub-  
 17 paragraph (A) on expenditures for items de-  
 18 scribed in subsection (a)(1)(D) shall not apply  
 19 in the case of expenditures for outreach activi-  
 20 ties to families of Indian children likely to be el-  
 21 igible for child health assistance under the plan  
 22 or medical assistance under the State plan  
 23 under title XIX (or under a waiver of such  
 24 plan), to inform such families of the availability  
 25 of, and to assist them in enrolling their children

1 in, such plans, including such activities con-  
2 ducted under grants, contracts, or agreements  
3 entered into under section 1139(a).”.

4 (b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH  
5 CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—  
6 Section 2102(b)(3)(D) of such Act (42 U.S.C.  
7 1397bb(b)(3)(D)) is amended by striking “(as defined in  
8 section 4(c) of the Indian Health Care Improvement Act,  
9 25 U.S.C. 1603(c))” and inserting “, including how the  
10 State will ensure that payments are made to Indian  
11 Health Programs and Urban Indian Organizations oper-  
12 ating in the State for the provision of such assistance”.

13 (c) INCLUSION OF OTHER INDIAN FINANCED  
14 HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHI-  
15 BITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B)  
16 of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by  
17 striking “insurance program, other than an insurance pro-  
18 gram operated or financed by the Indian Health Service”  
19 and inserting “program, other than a health care program  
20 operated or financed by the Indian Health Service or by  
21 an Indian Tribe, Tribal Organization, or Urban Indian  
22 Organization”.

23 (d) SATISFACTION OF MEDICAID DOCUMENTATION  
24 REQUIREMENTS.—

1           (1) IN GENERAL.—Section 1903(x)(3)(B) of the  
2       Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is  
3       amended—

4                   (A) by redesignating clause (v) as clause  
5                   (vi); and

6                   (B) by inserting after clause (iv), the fol-  
7       lowing new clause:

8           “(v)(I) Except as provided in subclause (II), a  
9       document issued by a federally-recognized Indian  
10      tribe evidencing membership or enrollment in, or af-  
11      filiation with, such tribe.

12           “(II) With respect to those federally-recognized  
13      Indian tribes located within States having an inter-  
14      national border whose membership includes individ-  
15      uals who are not citizens of the United States, the  
16      Secretary shall, after consulting with such tribes,  
17      issue regulations authorizing the presentation of  
18      such other forms of documentation (including tribal  
19      documentation, if appropriate) that the Secretary  
20      determines to be satisfactory documentary evidence  
21      of citizenship or nationality for purposes of satis-  
22      fying the requirement of this subsection.”.

23           (2) TRANSITION RULE.—During the period that  
24      begins on July 1, 2006, and ends on the effective  
25      date of final regulations issued under subclause (II)

1 of section 1903(x)(3)(B)(v) of the Social Security  
2 Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by  
3 paragraph (1)), an individual who is a member of a  
4 federally-recognized Indian tribe described in sub-  
5 clause (II) of that section who presents a document  
6 described in subclause (I) of such section that is  
7 issued by such Indian tribe, shall be deemed to have  
8 presented satisfactory evidence of citizenship or na-  
9 tionality for purposes of satisfying the requirement  
10 of subsection (x) of section 1903 of such Act.

11 (e) DEFINITIONS.—Section 2110(c) of such Act (42  
12 U.S.C. 1397jj(c)) is amended by adding at the end the  
13 following new paragraph:

14 “(9) INDIAN; INDIAN HEALTH PROGRAM; IN-  
15 DIAN TRIBE; ETC.—The terms ‘Indian’, ‘Indian  
16 Health Program’, ‘Indian Tribe’, ‘Tribal Organiza-  
17 tion’, and ‘Urban Indian Organization’ have the  
18 meanings given those terms in section 4 of the In-  
19 dian Health Care Improvement Act.”.

1 **SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS**  
 2 **UNDER MEDICAID, ELIGIBILITY DETERMINA-**  
 3 **TIONS UNDER MEDICAID AND SCHIP, AND**  
 4 **PROTECTION OF CERTAIN INDIAN PROPERTY**  
 5 **FROM MEDICAID ESTATE RECOVERY.**

6 (a) PREMIUMS AND COST SHARING PROTECTION  
 7 UNDER MEDICAID.—

8 (1) IN GENERAL.—Section 1916 of the Social  
 9 Security Act (42 U.S.C. 1396o) is amended—

10 (A) in subsection (a), in the matter pre-  
 11 ceding paragraph (1), by striking “and (i)” and  
 12 inserting “, (i), and (j)”; and

13 (B) by adding at the end the following new  
 14 subsection:

15 “(j) NO PREMIUMS OR COST SHARING FOR INDIANS  
 16 FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN  
 17 HEALTH PROGRAMS OR THROUGH REFERRAL UNDER  
 18 THE CONTRACT HEALTH SERVICE.—

19 “(1) NO COST SHARING FOR ITEMS OR SERV-  
 20 ICES FURNISHED TO INDIANS THROUGH INDIAN  
 21 HEALTH PROGRAMS.—

22 “(A) IN GENERAL.—No enrollment fee,  
 23 premium, or similar charge, and no deduction,  
 24 copayment, cost sharing, or similar charge shall  
 25 be imposed against an Indian who is furnished  
 26 an item or service directly by the Indian Health

1 Service, an Indian Tribe, Tribal Organization,  
2 or Urban Indian Organization or through refer-  
3 ral under the contract health service for which  
4 payment may be made under this title.

5 “(B) NO REDUCTION IN AMOUNT OF PAY-  
6 MENT TO INDIAN HEALTH PROVIDERS.—Pay-  
7 ment due under this title to the Indian Health  
8 Service, an Indian Tribe, Tribal Organization,  
9 or Urban Indian Organization, or a health care  
10 provider through referral under the contract  
11 health service for the furnishing of an item or  
12 service to an Indian who is eligible for assist-  
13 ance under such title, may not be reduced by  
14 the amount of any enrollment fee, premium, or  
15 similar charge, or any deduction, copayment,  
16 cost sharing, or similar charge that would be  
17 due from the Indian but for the operation of  
18 subparagraph (A).

19 “(2) RULE OF CONSTRUCTION.—Nothing in  
20 this subsection shall be construed as restricting the  
21 application of any other limitations on the imposi-  
22 tion of premiums or cost sharing that may apply to  
23 an individual receiving medical assistance under this  
24 title who is an Indian.



1           “(3) DEFINITIONS.—In this subsection, the  
 2       terms ‘contract health service’, ‘Indian’, ‘Indian  
 3       Tribe’, ‘Tribal Organization’, and ‘Urban Indian Or-  
 4       ganization’ have the meanings given those terms in  
 5       section 4 of the Indian Health Care Improvement  
 6       Act.”.

7           (2) CONFORMING AMENDMENT.—Section  
 8       1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1))  
 9       is amended by striking “section 1916(g)” and in-  
 10      serting “subsections (g), (i), or (j) of section 1916”.

11      (b) TREATMENT OF CERTAIN PROPERTY FOR MED-  
 12      ICAID AND SCHIP ELIGIBILITY.—

13           (1) MEDICAID.—Section 1902(e) of the Social  
 14      Security Act (42 U.S.C. 1396a) is amended by add-  
 15      ing at the end the following new paragraph:

16           “(13) Notwithstanding any other requirement  
 17      of this title or any other provision of Federal or  
 18      State law, a State shall disregard the following prop-  
 19      erty for purposes of determining the eligibility of an  
 20      individual who is an Indian (as defined in section 4  
 21      of the Indian Health Care Improvement Act) for  
 22      medical assistance under this title:

23           “(A) Property, including real property and  
 24      improvements, that is held in trust, subject to  
 25      Federal restrictions, or otherwise under the su-

1       pervision of the Secretary of the Interior, lo-  
2       cated on a reservation, including any federally  
3       recognized Indian Tribe's reservation, pueblo,  
4       or colony, including former reservations in  
5       Oklahoma, Alaska Native regions established by  
6       the Alaska Native Claims Settlement Act, and  
7       Indian allotments on or near a reservation as  
8       designated and approved by the Bureau of In-  
9       dian Affairs of the Department of the Interior.

10       “(B) For any federally recognized Tribe  
11       not described in subparagraph (A), property lo-  
12       cated within the most recent boundaries of a  
13       prior Federal reservation.

14       “(C) Ownership interests in rents, leases,  
15       royalties, or usage rights related to natural re-  
16       sources (including extraction of natural re-  
17       sources or harvesting of timber, other plants  
18       and plant products, animals, fish, and shellfish)  
19       resulting from the exercise of federally pro-  
20       tected rights.

21       “(D) Ownership interests in or usage  
22       rights to items not covered by subparagraphs  
23       (A) through (C) that have unique religious,  
24       spiritual, traditional, or cultural significance or  
25       rights that support subsistence or a traditional

1 lifestyle according to applicable tribal law or  
2 custom.”.

3 (2) APPLICATION TO SCHIP.—Section  
4 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is  
5 amended—

6 (A) by redesignating subparagraphs (B)  
7 through (E), as subparagraphs (C) through  
8 (F), respectively; and

9 (B) by inserting after subparagraph (A),  
10 the following new subparagraph:

11 “(B) Section 1902(e)(13) (relating to dis-  
12 regard of certain property for purposes of mak-  
13 ing eligibility determinations).”.

14 (c) CONTINUATION OF CURRENT LAW PROTECTIONS  
15 OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE  
16 RECOVERY.—Section 1917(b)(3) of the Social Security  
17 Act (42 U.S.C. 1396p(b)(3)) is amended—

18 (1) by inserting “(A)” after “(3)”; and

19 (2) by adding at the end the following new sub-  
20 paragraph:

21 “(B) The standards specified by the Sec-  
22 retary under subparagraph (A) shall require  
23 that the procedures established by the State  
24 agency under subparagraph (A) exempt income,  
25 resources, and property that are exempt from

the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.”.

**SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR  
PAYMENT FOR SERVICES UNDER FEDERAL  
HEALTH CARE PROGRAMS.**

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

“(c) NONDISCRIMINATION IN QUALIFICATIONS FOR  
PAYMENT FOR SERVICES UNDER FEDERAL HEALTH  
CARE PROGRAMS.—

“(1) REQUIREMENT TO SATISFY GENERALLY  
APPLICABLE PARTICIPATION REQUIREMENTS.—

“(A) IN GENERAL.—A Federal health care  
program must accept an entity that is operated  
by the Indian Health Service, an Indian Tribe,  
Tribal Organization, or Urban Indian Organiza-

1           tion as a provider eligible to receive payment  
2           under the program for health care services fur-  
3           nished to an Indian on the same basis as any  
4           other provider qualified to participate as a pro-  
5           vider of health care services under the program  
6           if the entity meets generally applicable State or  
7           other requirements for participation as a pro-  
8           vider of health care services under the program.

9           “(B) SATISFACTION OF STATE OR LOCAL  
10          LICENSURE OR RECOGNITION REQUIRE-  
11          MENTS.—Any requirement for participation as  
12          a provider of health care services under a Fed-  
13          eral health care program that an entity be li-  
14          censed or recognized under the State or local  
15          law where the entity is located to furnish health  
16          care services shall be deemed to have been met  
17          in the case of an entity operated by the Indian  
18          Health Service, an Indian Tribe, Tribal Organi-  
19          zation, or Urban Indian Organization if the en-  
20          tity meets all the applicable standards for such  
21          licensure or recognition, regardless of whether  
22          the entity obtains a license or other documenta-  
23          tion under such State or local law. In accord-  
24          ance with section 221 of the Indian Health  
25          Care Improvement Act, the absence of the licen-

1           sure of a health care professional employed by  
2           such an entity under the State or local law  
3           where the entity is located shall not be taken  
4           into account for purposes of determining wheth-  
5           er the entity meets such standards, if the pro-  
6           fessional is licensed in another State.

7           “(2) PROHIBITION ON FEDERAL PAYMENTS TO  
8           ENTITIES OR INDIVIDUALS EXCLUDED FROM PAR-  
9           TICIPATION IN FEDERAL HEALTH CARE PROGRAMS  
10          OR WHOSE STATE LICENSES ARE UNDER SUSPEN-  
11          SION OR HAVE BEEN REVOKED.—

12           “(A) EXCLUDED ENTITIES.—No entity op-  
13          erated by the Indian Health Service, an Indian  
14          Tribe, Tribal Organization, or Urban Indian  
15          Organization that has been excluded from par-  
16          ticipation in any Federal health care program  
17          or for which a license is under suspension or  
18          has been revoked by the State where the entity  
19          is located shall be eligible to receive payment  
20          under any such program for health care serv-  
21          ices furnished to an Indian.

22           “(B) EXCLUDED INDIVIDUALS.—No indi-  
23          vidual who has been excluded from participation  
24          in any Federal health care program or whose  
25          State license is under suspension or has been

1           revoked shall be eligible to receive payment  
 2           under any such program for health care serv-  
 3           ices furnished by that individual, directly or  
 4           through an entity that is otherwise eligible to  
 5           receive payment for health care services, to an  
 6           Indian.

7           “(C) FEDERAL HEALTH CARE PROGRAM  
 8           DEFINED.—In this subsection, the term, ‘Fed-  
 9           eral health care program’ has the meaning  
 10          given that term in section 1128B(f), except  
 11          that, for purposes of this subsection, such term  
 12          shall include the health insurance program  
 13          under chapter 89 of title 5, United States  
 14          Code.”.

15 **SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND**  
 16 **OTHER HEALTH CARE PROGRAMS FUNDED**  
 17 **UNDER THE SOCIAL SECURITY ACT INVOLV-**  
 18 **ING INDIAN HEALTH PROGRAMS AND URBAN**  
 19 **INDIAN ORGANIZATIONS.**

20          (a) IN GENERAL.—Section 1139 of the Social Secu-  
 21          rity Act (42 U.S.C. 1320b–9), as amended by sections 202  
 22          and 205, is amended by redesignating subsection (d) as  
 23          subsection (e), and inserting after subsection (c) the fol-  
 24          lowing new subsection:

1       “(d) CONSULTATION WITH TRIBAL TECHNICAL AD-  
 2 VISORY GROUP (TTAG).—The Secretary shall maintain  
 3 within the Centers for Medicaid & Medicare Services  
 4 (CMS) a Tribal Technical Advisory Group, established in  
 5 accordance with requirements of the charter dated Sep-  
 6 tember 30, 2003, and in such group shall include a rep-  
 7 resentative of the Urban Indian Organizations and the  
 8 Service. The representative of the Urban Indian Organiza-  
 9 tion shall be deemed to be an elected officer of a tribal  
 10 government for purposes of applying section 204(b) of the  
 11 Unfunded Mandates Reform Act of 1995 (2 U.S.C.  
 12 1534(b)).”.

13       (b) SOLICITATION OF ADVICE UNDER MEDICAID AND  
 14 SCHIP.—

15               (1) MEDICAID STATE PLAN AMENDMENT.—Sec-  
 16 tion 1902(a) of the Social Security Act (42 U.S.C.  
 17 1396a(a)) is amended—

18               (A) in paragraph (69), by striking “and”  
 19 at the end;

20               (B) in paragraph (70)(B)(iv), by striking  
 21 the period at the end and inserting “; and”;  
 22 and

23               (C) by inserting after paragraph  
 24 (70)(B)(iv), the following new paragraph:



1           “(71) in the case of any State in which the In-  
2       dian Health Service operates or funds health care  
3       programs, or in which 1 or more Indian Health Pro-  
4       grams or Urban Indian Organizations (as such  
5       terms are defined in section 4 of the Indian Health  
6       Care Improvement Act) provide health care in the  
7       State for which medical assistance is available under  
8       such title, provide for a process under which the  
9       State seeks advice on a regular, ongoing basis from  
10      designees of such Indian Health Programs and  
11      Urban Indian Organizations on matters relating to  
12      the application of this title that are likely to have a  
13      direct effect on such Indian Health Programs and  
14      Urban Indian Organizations and that—

15           “(A) shall include solicitation of advice  
16           prior to submission of any plan amendments,  
17           waiver requests, and proposals for demonstra-  
18           tion projects likely to have a direct effect on In-  
19           dians, Indian Health Programs, or Urban In-  
20           dian Organizations; and

21           “(B) may include appointment of an advi-  
22           sory committee and of a designee of such In-  
23           dian Health Programs and Urban Indian Orga-  
24           nizations to the medical care advisory com-

1           mittee advising the State on its State plan  
2           under this title.”.

3           (2)     APPLICATION     TO     SCHIP.—Section  
4           2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as  
5           amended by section 204(b)(2), is amended—

6                     (A) by redesignating subparagraphs (B)  
7                     through (F) as subparagraphs (C) through (G),  
8                     respectively; and

9                     (B) by inserting after subparagraph (A),  
10           the following new subparagraph:

11                     “(B) Section 1902(a)(71) (relating to the  
12                     option of certain States to seek advice from  
13                     designees of Indian Health Programs and  
14                     Urban Indian Organizations).”.

15           (c) RULE OF CONSTRUCTION.—Nothing in the  
16           amendments made by this section shall be construed as  
17           superseding existing advisory committees, working groups,  
18           guidance, or other advisory procedures established by the  
19           Secretary of Health and Human Services or by any State  
20           with respect to the provision of health care to Indians.

1 **SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED**  
2 **INDIAN HEALTH PROGRAMS AND SAFE HAR-**  
3 **BOR TRANSACTIONS UNDER THE SOCIAL SE-**  
4 **CURITY ACT.**

5 (a) EXCLUSION WAIVER AUTHORITY.—Section 1128  
6 of the Social Security Act (42 U.S.C. 1320a–7) is amend-  
7 ed by adding at the end the following new subsection:

8 “(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY  
9 FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addi-  
10 tion to the authority granted the Secretary under sub-  
11 sections (c)(3)(B) and (d)(3)(B) to waive an exclusion  
12 under subsection (a)(1), (a)(3), (a)(4), or (b), the Sec-  
13 retary may, in the case of an Indian Health Program,  
14 waive such an exclusion upon the request of the adminis-  
15 trator of an affected Indian Health Program (as defined  
16 in section 4 of the Indian Health Care Improvement Act)  
17 who determines that the exclusion would impose a hard-  
18 ship on individuals entitled to benefits under or enrolled  
19 in a Federal health care program.”.

20 (b) CERTAIN TRANSACTIONS INVOLVING INDIAN  
21 HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HAR-  
22 BORS.—Section 1128B(b) of the Social Security Act (42  
23 U.S.C. 1320a–7b(b)) is amended by adding at the end the  
24 following new paragraph:

25 “(4) Subject to such conditions as the Secretary may  
26 promulgate from time to time as necessary to prevent

1 fraud and abuse, for purposes of paragraphs (1) and (2)  
2 and section 1128A(a), the following transfers shall not be  
3 treated as remuneration:

4           “(A) TRANSFERS BETWEEN INDIAN HEALTH  
5 PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
6 AND URBAN INDIAN ORGANIZATIONS.—Transfers of  
7 anything of value between or among an Indian  
8 Health Program, Indian Tribe, Tribal Organization,  
9 or Urban Indian Organization, that are made for the  
10 purpose of providing necessary health care items and  
11 services to any patient served by such Program,  
12 Tribe, or Organization and that consist of—

13               “(i) services in connection with the collec-  
14 tion, transport, analysis, or interpretation of di-  
15 agnostic specimens or test data;

16               “(ii) inventory or supplies;

17               “(iii) staff; or

18               “(iv) a waiver of all or part of premiums  
19 or cost sharing.

20           “(B) TRANSFERS BETWEEN INDIAN HEALTH  
21 PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
22 OR URBAN INDIAN ORGANIZATIONS AND PA-  
23 TIENTS.—Transfers of anything of value between an  
24 Indian Health Program, Indian Tribe, Tribal Orga-  
25 nization, or Urban Indian Organization and any pa-

1       tient served or eligible for service from an Indian  
2       Health Program, Indian Tribe, Tribal Organization,  
3       or Urban Indian Organization, including any patient  
4       served or eligible for service pursuant to section 807  
5       of the Indian Health Care Improvement Act, but  
6       only if such transfers—

7               “(i) consist of expenditures related to pro-  
8       viding transportation for the patient for the  
9       provision of necessary health care items or serv-  
10      ices, provided that the provision of such trans-  
11      portation is not advertised, nor an incentive of  
12      which the value is disproportionately large in  
13      relationship to the value of the health care item  
14      or service (with respect to the value of the item  
15      or service itself or, for preventative items or  
16      services, the future health care costs reasonably  
17      expected to be avoided);

18              “(ii) consist of expenditures related to pro-  
19      viding housing to the patient (including a preg-  
20      nant patient) and immediate family members or  
21      an escort necessary to assuring the timely pro-  
22      vision of health care items and services to the  
23      patient, provided that the provision of such  
24      housing is not advertised nor an incentive of  
25      which the value is disproportionately large in

1 relationship to the value of the health care item  
 2 or service (with respect to the value of the item  
 3 or service itself or, for preventative items or  
 4 services, the future health care costs reasonably  
 5 expected to be avoided); or

6 “(iii) are for the purpose of paying pre-  
 7 miums or cost sharing on behalf of such a pa-  
 8 tient, provided that the making of such pay-  
 9 ment is not subject to conditions other than  
 10 conditions agreed to under a contract for the  
 11 delivery of contract health services.

12 “(C) CONTRACT HEALTH SERVICES.—A trans-  
 13 fer of anything of value negotiated as part of a con-  
 14 tract entered into between an Indian Health Pro-  
 15 gram, Indian Tribe, Tribal Organization, Urban In-  
 16 dian Organization, or the Indian Health Service and  
 17 a contract care provider for the delivery of contract  
 18 health services authorized by the Indian Health  
 19 Service, provided that—

20 “(i) such a transfer is not tied to volume  
 21 or value of referrals or other business generated  
 22 by the parties; and

23 “(ii) any such transfer is limited to the fair  
 24 market value of the health care items or serv-  
 25 ices provided or, in the case of a transfer of

1 items or services related to preventative care,  
 2 the value of the future health care costs reason-  
 3 ably expected to be avoided.

4 “(D) OTHER TRANSFERS.—Any other transfer  
 5 of anything of value involving an Indian Health Pro-  
 6 gram, Indian Tribe, Tribal Organization, or Urban  
 7 Indian Organization, or a patient served or eligible  
 8 for service from an Indian Health Program, Indian  
 9 Tribe, Tribal Organization, or Urban Indian Organi-  
 10 zation, that the Secretary, in consultation with the  
 11 Attorney General, determines is appropriate, taking  
 12 into account the special circumstances of such In-  
 13 dian Health Programs, Indian Tribes, Tribal Orga-  
 14 nizations, and Urban Indian Organizations, and of  
 15 patients served by such Programs, Tribes, and Orga-  
 16 nizations.”.

17 **SEC. 208. RULES APPLICABLE UNDER MEDICAID AND**  
 18 **SCHIP TO MANAGED CARE ENTITIES WITH**  
 19 **RESPECT TO INDIAN ENROLLEES AND IN-**  
 20 **DIAN HEALTH CARE PROVIDERS AND INDIAN**  
 21 **MANAGED CARE ENTITIES.**

22 (a) IN GENERAL.—Section 1932 of the Social Secu-  
 23 rity Act (42 U.S.C. 1396u–2) is amended by adding at  
 24 the end the following new subsection:

1       “(h) SPECIAL RULES WITH RESPECT TO INDIAN EN-  
2   ROLLEES, INDIAN HEALTH CARE PROVIDERS, AND IN-  
3   DIAN MANAGED CARE ENTITIES.—

4               “(1) ENROLLEE OPTION TO SELECT AN INDIAN  
5       HEALTH CARE PROVIDER AS PRIMARY CARE PRO-  
6       VIDER.—In the case of a non-Indian Medicaid man-  
7       aged care entity that—

8               “(A) has an Indian enrolled with the enti-  
9       ty; and

10              “(B) has an Indian health care provider  
11       that is participating as a primary care provider  
12       within the network of the entity,

13       insofar as the Indian is otherwise eligible to receive  
14       services from such Indian health care provider and  
15       the Indian health care provider has the capacity to  
16       provide primary care services to such Indian, the  
17       contract with the entity under section 1903(m) or  
18       under section 1905(t)(3) shall require, as a condi-  
19       tion of receiving payment under such contract, that  
20       the Indian shall be allowed to choose such Indian  
21       health care provider as the Indian’s primary care  
22       provider under the entity.

23              “(2) ASSURANCE OF PAYMENT TO INDIAN  
24       HEALTH CARE PROVIDERS FOR PROVISION OF COV-  
25       ERED SERVICES.—Each contract with a managed



1 care entity under section 1903(m) or under section  
2 1905(t)(3) shall require any such entity that has a  
3 significant percentage of Indian enrollees (as deter-  
4 mined by the Secretary), as a condition of receiving  
5 payment under such contract to satisfy the following  
6 requirements:

7 “(A) DEMONSTRATION OF PARTICIPATING  
8 INDIAN HEALTH CARE PROVIDERS OR APPLICA-  
9 TION OF ALTERNATIVE PAYMENT ARRANGE-  
10 MENTS.—Subject to subparagraph (E), to—

11 “(i) demonstrate that the number of  
12 Indian health care providers that are par-  
13 ticipating providers with respect to such  
14 entity are sufficient to ensure timely access  
15 to covered Medicaid managed care services  
16 for those enrollees who are eligible to re-  
17 ceive services from such providers; or

18 “(ii) agree to pay Indian health care  
19 providers who are not participating pro-  
20 viders with the entity for covered Medicaid  
21 managed care services provided to those  
22 enrollees who are eligible to receive services  
23 from such providers at a rate equal to the  
24 rate negotiated between such entity and  
25 the provider involved or, if such a rate has

1 not been negotiated, at a rate that is not  
2 less than the level and amount of payment  
3 which the entity would make for the serv-  
4 ices if the services were furnished by a par-  
5 ticipating provider which is not an Indian  
6 health care provider.

7 “(B) PROMPT PAYMENT.—To agree to  
8 make prompt payment (in accordance with  
9 rules applicable to managed care entities) to In-  
10 dian health care providers that are participating  
11 providers with respect to such entity or, in the  
12 case of an entity to which subparagraph (A)(ii)  
13 or (E) applies, that the entity is required to pay  
14 in accordance with that subparagraph.

15 “(C) SATISFACTION OF CLAIM REQUIRE-  
16 MENT.—To deem any requirement for the sub-  
17 mission of a claim or other documentation for  
18 services covered under subparagraph (A) by the  
19 enrollee to be satisfied through the submission  
20 of a claim or other documentation by an Indian  
21 health care provider that is consistent with sec-  
22 tion 403(h) of the Indian Health Care Improve-  
23 ment Act.

24 “(D) COMPLIANCE WITH GENERALLY AP-  
25 PLICABLE REQUIREMENTS.—

1           “(i) IN GENERAL.—Subject to clause  
2           (ii), as a condition of payment under sub-  
3           paragraph (A), an Indian health care pro-  
4           vider shall comply with the generally appli-  
5           cable requirements of this title, the State  
6           plan, and such entity with respect to cov-  
7           ered Medicaid managed care services pro-  
8           vided by the Indian health care provider to  
9           the same extent that non-Indian providers  
10          participating with the entity must comply  
11          with such requirements.

12          “(ii) LIMITATIONS ON COMPLIANCE  
13          WITH MANAGED CARE ENTITY GENERALLY  
14          APPLICABLE REQUIREMENTS.—An Indian  
15          health care provider—

16               “(I) shall not be required to com-  
17               ply with a generally applicable re-  
18               quirement of a managed care entity  
19               described in clause (i) as a condition  
20               of payment under subparagraph (A) if  
21               such compliance would conflict with  
22               any other statutory or regulatory re-  
23               quirements applicable to the Indian  
24               health care provider; and

1 “(II) shall only need to comply  
 2 with those generally applicable re-  
 3 quirements of a managed care entity  
 4 described in clause (i) as a condition  
 5 of payment under subparagraph (A)  
 6 that are necessary for the entity’s  
 7 compliance with the State plan, such  
 8 as those related to care management,  
 9 quality assurance, and utilization  
 10 management.

11 “(E) APPLICATION OF SPECIAL PAYMENT  
 12 REQUIREMENTS FOR FEDERALLY-QUALIFIED  
 13 HEALTH CENTERS AND ENCOUNTER RATE FOR  
 14 SERVICES PROVIDED BY CERTAIN INDIAN  
 15 HEALTH CARE PROVIDERS.—

16 “(i) FEDERALLY-QUALIFIED HEALTH  
 17 CENTERS.—

18 “(I) MANAGED CARE ENTITY  
 19 PAYMENT REQUIREMENT.—To agree  
 20 to pay any Indian health care provider  
 21 that is a Federally-qualified health  
 22 center but not a participating provider  
 23 with respect to the entity, for the pro-  
 24 vision of covered Medicaid managed  
 25 care services by such provider to an

1 Indian enrollee of the entity at a rate  
2 equal to the amount of payment that  
3 the entity would pay a Federally-  
4 qualified health center that is a par-  
5 ticipating provider with respect to the  
6 entity but is not an Indian health care  
7 provider for such services.

8 “(II) CONTINUED APPLICATION  
9 OF STATE REQUIREMENT TO MAKE  
10 SUPPLEMENTAL PAYMENT.—Nothing  
11 in subclause (I) or subparagraph (A)  
12 or (B) shall be construed as waiving  
13 the application of section 1902(bb)(5)  
14 regarding the State plan requirement  
15 to make any supplemental payment  
16 due under such section to a Federally-  
17 qualified health center for services  
18 furnished by such center to an en-  
19 rollee of a managed care entity (re-  
20 gardless of whether the Federally-  
21 qualified health center is or is not a  
22 participating provider with the entity).

23 “(ii) CONTINUED APPLICATION OF  
24 ENCOUNTER RATE FOR SERVICES PRO-  
25 VIDED BY CERTAIN INDIAN HEALTH CARE

1 PROVIDERS.—If the amount paid by a  
2 managed care entity to an Indian health  
3 care provider that is not a Federally-quali-  
4 fied health center and that has elected to  
5 receive payment under this title as an In-  
6 dian Health Service provider under the  
7 July 11, 1996, Memorandum of Agreement  
8 between the Health Care Financing Ad-  
9 ministration (now the Centers for Medicare  
10 & Medicaid Services) and the Indian  
11 Health Service for services provided by  
12 such provider to an Indian enrollee with  
13 the managed care entity is less than the  
14 encounter rate that applies to the provision  
15 of such services under such memorandum,  
16 the State plan shall provide for payment to  
17 the Indian health care provider of the dif-  
18 ference between the applicable encounter  
19 rate under such memorandum and the  
20 amount paid by the managed care entity to  
21 the provider for such services.

22 “(F) CONSTRUCTION.—Nothing in this  
23 paragraph shall be construed as waiving the ap-  
24 plication of section 1902(a)(30)(A) (relating to  
25 application of standards to assure that pay-

1           ments are consistent with efficiency, economy,  
2           and quality of care).

3           “(3) OFFERING OF MANAGED CARE THROUGH  
4           INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

5                 “(A) a State elects to provide services  
6           through Medicaid managed care entities under  
7           its Medicaid managed care program; and

8                 “(B) an Indian health care provider that is  
9           funded in whole or in part by the Indian Health  
10          Service, or a consortium composed of 1 or more  
11          Tribes, Tribal Organizations, or Urban Indian  
12          Organizations, and which also may include the  
13          Indian Health Service, has established an In-  
14          dian Medicaid managed care entity in the State  
15          that meets generally applicable standards re-  
16          quired of such an entity under such Medicaid  
17          managed care program,

18          the State shall offer to enter into an agreement with  
19          the entity to serve as a Medicaid managed care enti-  
20          ty with respect to eligible Indians served by such en-  
21          tity under such program.

22                 “(4) SPECIAL RULES FOR INDIAN MANAGED  
23          CARE ENTITIES.—The following are special rules re-  
24          garding the application of a Medicaid managed care  
25          program to Indian Medicaid managed care entities:

1 “(A) ENROLLMENT.—

2 “(i) LIMITATION TO INDIANS.—An In-  
3 dian Medicaid managed care entity may re-  
4 strict enrollment under such program to  
5 Indians and to members of specific Tribes  
6 in the same manner as Indian Health Pro-  
7 grams may restrict the delivery of services  
8 to such Indians and tribal members.

9 “(ii) NO LESS CHOICE OF PLANS.—  
10 Under such program the State may not  
11 limit the choice of an Indian among Med-  
12 icaid managed care entities only to Indian  
13 Medicaid managed care entities or to be  
14 more restrictive than the choice of man-  
15 aged care entities offered to individuals  
16 who are not Indians.

17 “(iii) DEFAULT ENROLLMENT.—

18 “(I) IN GENERAL.—If such pro-  
19 gram of a State requires the enroll-  
20 ment of Indians in a Medicaid man-  
21 aged care entity in order to receive  
22 benefits, the State, taking into consid-  
23 eration the criteria specified in sub-  
24 section (a)(4)(D)(ii)(I), shall provide  
25 for the enrollment of Indians de-



1 scribed in subclause (II) who are not  
2 otherwise enrolled with such an entity  
3 in an Indian Medicaid managed care  
4 entity described in such clause.

5 “(II) INDIAN DESCRIBED.—An  
6 Indian described in this subclause,  
7 with respect to an Indian Medicaid  
8 managed care entity, is an Indian  
9 who, based upon the service area and  
10 capacity of the entity, is eligible to be  
11 enrolled with the entity consistent  
12 with subparagraph (A).

13 “(iv) EXCEPTION TO STATE LOCK-  
14 IN.—A request by an Indian who is en-  
15 rolled under such program with a non-In-  
16 dian Medicaid managed care entity to  
17 change enrollment with that entity to en-  
18 rollment with an Indian Medicaid managed  
19 care entity shall be considered cause for  
20 granting such request under procedures  
21 specified by the Secretary.

22 “(B) FLEXIBILITY IN APPLICATION OF  
23 SOLVENCY.—In applying section 1903(m)(1) to  
24 an Indian Medicaid managed care entity—

1 “(i) any reference to a ‘State’ in sub-  
 2 paragraph (A)(ii) of that section shall be  
 3 deemed to be a reference to the ‘Sec-  
 4 retary’; and

5 “(ii) the entity shall be deemed to be  
 6 a public entity described in subparagraph  
 7 (C)(ii) of that section.

8 “(C) EXCEPTIONS TO ADVANCE DIREC-  
 9 TIVES.—The Secretary may modify or waive the  
 10 requirements of section 1902(w) (relating to  
 11 provision of written materials on advance direc-  
 12 tives) insofar as the Secretary finds that the re-  
 13 quirements otherwise imposed are not an appro-  
 14 priate or effective way of communicating the in-  
 15 formation to Indians.

16 “(D) FLEXIBILITY IN INFORMATION AND  
 17 MARKETING.—

18 “(i) MATERIALS.—The Secretary may  
 19 modify requirements under subsection  
 20 (a)(5) to ensure that information described  
 21 in that subsection is provided to enrollees  
 22 and potential enrollees of Indian Medicaid  
 23 managed care entities in a culturally ap-  
 24 propriate and understandable manner that  
 25 clearly communicates to such enrollees and

1 potential enrollees their rights, protections,  
2 and benefits.

3 “(ii) DISTRIBUTION OF MARKETING  
4 MATERIALS.—The provisions of subsection  
5 (d)(2)(B) requiring the distribution of  
6 marketing materials to an entire service  
7 area shall be deemed satisfied in the case  
8 of an Indian Medicaid managed care entity  
9 that distributes appropriate materials only  
10 to those Indians who are potentially eligi-  
11 ble to enroll with the entity in the service  
12 area.

13 “(5) MALPRACTICE INSURANCE.—Insofar as,  
14 under a Medicaid managed care program, a health  
15 care provider is required to have medical malpractice  
16 insurance coverage as a condition of contracting as  
17 a provider with a Medicaid managed care entity, an  
18 Indian health care provider that is—

19 “(A) a Federally-qualified health center  
20 that is covered under the Federal Tort Claims  
21 Act (28 U.S.C. 1346(b), 2671 et seq.);

22 “(B) providing health care services pursu-  
23 ant to a contract or compact under the Indian  
24 Self-Determination and Education Assistance  
25 Act (25 U.S.C. 450 et seq.) that are covered

1 under the Federal Tort Claims Act (28 U.S.C.  
2 1346(b), 2671 et seq.); or

3 “(C) the Indian Health Service providing  
4 health care services that are covered under the  
5 Federal Tort Claims Act (28 U.S.C. 1346(b),  
6 2671 et seq.);

7 are deemed to satisfy such requirement.

8 “(6) DEFINITIONS.—For purposes of this sub-  
9 section:

10 “(A) INDIAN HEALTH CARE PROVIDER.—  
11 The term ‘Indian health care provider’ means  
12 an Indian Health Program or an Urban Indian  
13 Organization.

14 “(B) INDIAN; INDIAN HEALTH PROGRAM;  
15 SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN  
16 INDIAN ORGANIZATION.—The terms ‘Indian’,  
17 ‘Indian Health Program’, ‘Service’, ‘Tribe’,  
18 ‘tribal organization’, ‘Urban Indian Organiza-  
19 tion’ have the meanings given such terms in  
20 section 4 of the Indian Health Care Improve-  
21 ment Act.

22 “(C) INDIAN MEDICAID MANAGED CARE  
23 ENTITY.—The term ‘Indian Medicaid managed  
24 care entity’ means a managed care entity that  
25 is controlled (within the meaning of the last

1 sentence of section 1903(m)(1)(C)) by the In-  
2 dian Health Service, a Tribe, Tribal Organiza-  
3 tion, or Urban Indian Organization, or a con-  
4 sortium, which may be composed of 1 or more  
5 Tribes, Tribal Organizations, or Urban Indian  
6 Organizations, and which also may include the  
7 Service.

8 “(D) NON-INDIAN MEDICAID MANAGED  
9 CARE ENTITY.—The term ‘non-Indian Medicaid  
10 managed care entity’ means a managed care en-  
11 tity that is not an Indian Medicaid managed  
12 care entity.

13 “(E) COVERED MEDICAID MANAGED CARE  
14 SERVICES.—The term ‘covered Medicaid man-  
15 aged care services’ means, with respect to an  
16 individual enrolled with a managed care entity,  
17 items and services that are within the scope of  
18 items and services for which benefits are avail-  
19 able with respect to the individual under the  
20 contract between the entity and the State in-  
21 volved.

22 “(F) MEDICAID MANAGED CARE PRO-  
23 GRAM.—The term ‘Medicaid managed care pro-  
24 gram’ means a program under sections  
25 1903(m) and 1932 and includes a managed

1           care program operating under a waiver under  
2           section 1915(b) or 1115 or otherwise.”.

3           (b) APPLICATION TO SCHIP.—Section 2107(e)(1) of  
4 such Act (42 U.S.C. 1397gg(1)), as amended by section  
5 206(b)(2), is amended by adding at the end the following  
6 new subparagraph:

7                   “(H) Subsections (a)(2)(C) and (h) of sec-  
8           tion 1932.”.

9   **SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL**  
10                   **SECURITY ACT HEALTH BENEFIT PROGRAMS.**

11           Section 1139 of the Social Security Act (42 U.S.C.  
12 1320b–9), as amended by the sections 202, 205, and 206,  
13 is amended by redesignating subsection (e) as subsection  
14 (f), and inserting after subsection (d) the following new  
15 subsection:

16           “(e) ANNUAL REPORT ON INDIANS SERVED BY  
17 HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS  
18 ACT.—Beginning January 1, 2007, and annually there-  
19 after, the Secretary, acting through the Administrator of  
20 the Centers for Medicare & Medicaid Services and the Di-  
21 rector of the Indian Health Service, shall submit a report  
22 to Congress regarding the enrollment and health status  
23 of Indians receiving items or services under health benefit  
24 programs funded under this Act during the preceding  
25 year. Each such report shall include the following:

1           “(1) The total number of Indians enrolled in, or  
2           receiving items or services under, such programs,  
3           disaggregated with respect to each such program.

4           “(2) The number of Indians described in para-  
5           graph (1) that also received health benefits under  
6           programs funded by the Indian Health Service.

7           “(3) General information regarding the health  
8           status of the Indians described in paragraph (1),  
9           disaggregated with respect to specific diseases or  
10          conditions and presented in a manner that is con-  
11          sistent with protections for privacy of individually  
12          identifiable health information under section 264(c)  
13          of the Health Insurance Portability and Account-  
14          ability Act of 1996.

15          “(4) A detailed statement of the status of facili-  
16          ties of the Indian Health Service or an Indian Tribe,  
17          Tribal Organization, or an Urban Indian Organiza-  
18          tion with respect to such facilities’ compliance with  
19          the applicable conditions and requirements of titles  
20          XVIII, XIX, and XXI, and, in the case of title XIX  
21          or XXI, under a State plan under such title or  
22          under waiver authority, and of the progress being  
23          made by such facilities (under plans submitted  
24          under section 1880(b), 1911(b) or otherwise) toward

1       the achievement and maintenance of such compli-  
2       ance.

3               “(5) Such other information as the Secretary  
4       determines is appropriate.”.





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**S. 1200**

[Report No. 110-197]

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**A BILL**

To amend the Indian Health Care Improvement  
Act to revise and extend that Act.

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OCTOBER 16, 2007

Reported without amendment